

FEDERAL REGISTER



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Title 3—THE PRESIDENT

Proclamation 3354

NATIONAL WOOL MONTH, 1960

By the President of the United States
of America

A Proclamation

WHEREAS September 1960 marks the two-hundredth anniversary of the recognition of wool production and wool manufacture in the United States as an industry; and

WHEREAS from its humble beginning in the homes and on the farms of the colonists in the early sixteen hundreds, the American wool-growing and textile industry has become an integral part of our national economy, representing more than five billion dollars a year in the retail value of its products; and

WHEREAS its nationwide scope is evidenced by the fact that in more than three thousand of the three thousand and sixty-eight counties in the United States there are one or more wool-production or textile operations, with wool grown in every one of the fifty States of the Union; and

WHEREAS the Congress, in recognition of the importance of the wool industry and the part it plays in our national economy, has by a joint resolution approved June 29, 1960, requested the President to issue a proclamation designating the month of September 1960 as National Wool Month:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the month of September 1960 as National Wool Month; and I urge the people of the United States to observe that month with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-ninth day of June in the year of our Lord nineteen hundred and [SEAL] sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 60-6196; Filed, July 1, 1960;
10:32 a.m.]

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER C—CLAIMS; GENERAL

PART 30—SCOPE OF SUBCHAPTER

PART 34—DECEASED MEMBERS OF THE UNIFORMED SERVICES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

PART 35—DECEASED PUBLIC CREDITORS GENERALLY, CLAIM SETTLEMENT PROCEDURES

Addition, Amendment, and Revision

1. A new Part 30—Scope of Subchapter, is added as follows:

§ 30.1 Coverage of regulations in Subchapter C.

The regulations in Subchapter C relate to all classes of claims by and against the United States except:

(a) Those claims which are under the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority;

(b) Those meritorious claims which are for consideration under 31 U.S.C. 236;

(c) Those claims arising out of freight and passenger transportation services furnished for the account of the United States which are covered in Subchapter D of this chapter.

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies Sec. 305, 42 Stat. 24, 31 U.S.C. 71)

2. In Part 34, § 34.1(b) is revised to read as follows:

§ 34.1 Scope of part.

(b) Claims for amounts due former members of the Uniformed Services who die subsequent to discharge or separation from the service do not come within the provision of the act cited in paragraph (a) of this section and, therefore, are not within the scope of this chapter. See Part 35 of this chapter.

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies Sec. 305, 42 Stat. 24, 31 U.S.C. 71)

3. Part 35—Deceased Public Creditors Generally; Claim Settlement Procedures, is completely revised as follows:

Sec.

35.1 Scope of part.

35.2 Form prescribed for procedures in this part.

35.3 Claim filing requirements.

35.4 Return of unnegotiated Government checks.

AUTHORITY: §§ 35.1 to 35.4 inclusive, issued under sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 305, 42 Stat. 24, 31 U.S.C. 71.

§ 31.1 Scope of part.

This chapter relates to the settlement of claims for amounts alleged to be due

the estates of deceased individual public creditors, except when such claims are within the jurisdiction of administrative agencies pursuant to specific authority. The claims coming within the scope of this chapter include, among others, claims for amounts due former members of the uniformed services and former civilian employees of the United States who die subsequent to discharge or separation and claims for amounts due deceased contractors (whether under terminated or continuing contracts) and other deceased public creditors for supplies furnished and services rendered.

§ 35.2 Form prescribed for procedures in this part.

The following standard form is prescribed for use in filing claims on behalf of deceased public creditors: SF 1055—Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

§ 35.3 Claim filing requirements.

(a) *Use of prescribed form.* Claims to which this chapter relates, including claims for the proceeds of U.S. Government checks, will be filed on SF 1055.

(b) *Assisting claimants in filing claims.* Such assistance as is deemed necessary may be given to claimants by the administrative agencies to insure proper execution and submission of the claim forms, SF 1055.

(c) *Where claims should be filed.* Claims for amounts due deceased public creditors will be filed initially in the administrative office out of whose activities they arise.

§ 35.4 Return of unnegotiated government checks.

All unnegotiated U.S. Government checks in possession of a claimant which are drawn to the order of a deceased public creditor should be returned to the agency from which received.

[SEAL]

JOSEPH CAMPBELL,
Comptroller General
of the United States.

[F.R. Doc. 60-6157; Filed, July 1, 1960; 8:51 a.m.]

SUBCHAPTER D—TRANSPORTATION

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Miscellaneous Amendments

Sections 52.2, 52.3, 52.4 and 52.9 are amended to make clear that use of the Government bill of lading form is not restricted to shipments of Government-owned property, but is intended to be used for the transportation of any property for the account of the United States.

1. That portion of § 52.2 preceding the list of standard forms is revised to read:

§ 52.2 Standard forms for all shipments except those accorded transit privileges.

The following standard forms are prescribed to accomplish the shipment, transportation, and delivery of property for the account of the United States by transportation companies and are published for general use throughout the U.S. Government service:

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U.S.C. 49)

2. That portion of § 52.3 preceding the list of standard forms is revised to read:

§ 52.3 Standard forms; temporary receipt and certificate in lieu of U.S. Government bill of lading.

The following standard forms are prescribed for use in connection with the transportation and delivery of property for the account of the United States and are published for general use throughout the U.S. Government service:

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U.S.C. 49)

3. That portion of § 52.4 preceding the list of standard forms is revised to read:

§ 52.4 Standard forms for shipments accorded transit privileges.

(a) The following standard forms covering the shipment, transportation, and delivery of property for the account of the United States by transportation companies are prescribed and published for general use throughout the U.S. Government service in connection with Government shipments accorded transit reshipment privileges:

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies sec. 309, 42 Stat. 25, 31 U.S.C. 49)

4. Section 52.9 is revised to read:

§ 52.9 Action of the carrier's agent and disposition of the U.S. Government bill of lading forms.

Upon delivery of property for the account of the United States to a carrier for shipment, the agent of the initial carrier should insert the name of his company in the space provided therefor in the lower lefthand portion of the original bill of lading, together with his signature and the date the shipment was received, and he should verify that the statement made on the original bill of lading—that carrier furnished pick-up or trap car service at origin—is in accord with the facts and that such statement contained on the original bill of lading is the same as that contained on the shipping order. The shipping order, the freight waybill—original, and the freight waybill—carrier's copy will be surrendered to the agent of the initial carrier at the time the shipment is accepted and the bill of lading is receipted

by its agent, at which time the original bill of lading must be immediately forwarded by the shipper (issuing officer or contractor) to the consignee, in order that it will be in his possession upon arrival of the shipment at destination, when it will be promptly receipted and surrendered by him to the last carrier for billing. However, in those instances in which it is apparent to the shipper that the mailing of the original bill of lading to the consignee will result in arrival of the shipment prior to the arrival of the original bill of lading (as, for example, in cases of single-line rail hauls, when shipping by air or by railway express, and in many cases of shipment by highway, etc.), or in the case of all shipments of property for the account of the United States, if it is administratively determined that some substantial interest of the Government will be served thereby; the original bill of lading may, by agreement with the carrier receiving such shipments, be surrendered to said carrier, or its agent, to accompany the shipment or, at the discretion of the carrier, to be transmitted to destination by such other means as the carrier may elect. Whenever the original bill of lading is surrendered to a carrier with the shipment, the certificate which appears on the bill of lading, "Initial Carrier's Agent, by Signature Below, Certifies He Received the Original Bill of Lading ☐ Yes (Indicate by Check)," shall be checked to so indicate by the carrier's agent who signs for the shipment. In such cases one memorandum copy of the bill of lading will be retained by the shipper (issuing officer) as an office record, and one memorandum copy, so certified, must be immediately forwarded by him to the consignee. Whenever the bill of lading is used by a contractor as shipper, one memorandum copy thereof, so certified, will be retained by the contractor, and memorandum copies, each so certified, must be promptly forwarded by him to the issuing officer and to the consignee.

(Sec. 311, 42 Stat. 25, 31 U.S.C. 52. Interprets or applies Sec. 309, 42 Stat. 25, 31 U.S.C. 49)

[SEAL]

JOSEPH CAMPBELL,
Comptroller General
of the United States.

[F.R. Doc. 60-6158; Filed, July 1, 1960;
8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

Lake Champlain, New York, and Vermont

Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150, 33 U.S.C. 180), § 202.8 is hereby amended revising the

title of this section, prescribing paragraph (a) for the anchorage in Mallets Bay, Vermont, and adding paragraph (b) establishing a special anchorage area in St. Albans Bay, Vermont, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.8 Lake Champlain, N.Y. and Vt.

(a) *Mallets Bay, Vt.* The southwesterly portion of Mallets Bay, south of Coates Island and west of a line bearing 170° true from the most easterly point of Coates Island to the mainland.

(b) *St. Albans Bay, Vt.* An area in the northerly portion of St. Albans Bay westward of the State Pier at St. Albans Bay State Park, northeasterly of a line bearing 296°30' true from the southwesterly corner of the State Pier, and southeasterly of a line parallel to and 500 feet west of the west side of the State Pier.

[Regs., June 17, 1960, 285/91 (Lake Champlain, Vt.)—ENGOW-O] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-6142; Filed, July 1, 1960;
8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Navy

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (1) is added to § 6.106 as set out below.

§ 6.106 Department of the Navy.

(f) *U.S. Naval Radiological Defense Laboratory, San Francisco, California.* (1) Scientific and professional research positions at GS-12 and above when filled on a temporary basis by persons having a doctoral degree or its equivalent in natural science and related fields of study, for research activities of mutual interest to the appointee and the Laboratory. Total employment under this provision may not exceed 6 positions at any one time. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may with the approval of the Commission, be extended for not to exceed one additional year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6156; Filed, July 1, 1960;
8:50 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, § 6.149 is revised and amended and § 6.249 is added as follows:

§ 6.149 International Cooperation Administration.

(a) Assistant Deputy Director for Planning.

(b) Assistant Deputy Director for Program.

(c) Assistant Deputy Director for Private Enterprise.

(d) The positions of Director for Personnel Security and Integrity, Deputy Director for Personnel Security and Integrity, and Director of the Inspections Division.

(e) Two Assistant Deputy Directors for Operations.

(f) Director, Office of Industrial Resources.

(g) Director, Office of Small Business.

(h) Director, Office of Labor Affairs.

(i) Director, Office of Public Health.

§ 6.249 International Cooperation Administration.

(a) Not to exceed thirty positions at GS-9 and above when filled by persons who have served overseas with the International Cooperation Administration for not less than two years.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL]

MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-6115; Filed, July 1, 1960;
8:46 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1960 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR CHOICE (B) UPLAND COTTON

Correction

In F.R. Doc. 60-5965, appearing at page 5901 of the issue for Tuesday, June 28, 1960, these corrections are made under Texas in the loan rate listings of § 427.1130:

1. For Hale Center, Hale county, the rate should read "26.52" instead of "28.52".

2. For Mereta, Tom Green county, the rate should read "26.58" instead of "25.58".

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Romaine¹

On May 11, 1960, a notice of proposed rule making was published in the *FEDERAL REGISTER* (25 F.R. 4183) regarding a proposed revision of United States Standards for Romaine.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Romaine are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3295 U.S. No. 1.

UNCLASSIFIED

51.3296 Unclassified.

TOLERANCES

51.3297 Tolerances.

APPLICATION OF TOLERANCES

51.3298 Application of tolerances.

DEFINITIONS

51.3299 Similar varietal characteristics.
51.3300 Fresh.
51.3301 Well developed.
51.3302 Well trimmed.
51.3303 Damage.
51.3304 Serious damage.

AUTHORITY: §§ 51.3295 to 51.3304 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3295 U.S. No. 1.

“U.S. No. 1” consists of romaine plants of similar varietal characteristics which are fresh, well developed, well trimmed, and which are free from decay, and free from damage caused by seedstems, broken, bruised or discolored leaves, tipburn, wilting, foreign material, freezing, dirt, disease, insects, mechanical or other means.

UNCLASSIFIED

§ 51.3296 Unclassified.

“Unclassified” consists of romaine plants which have not been classified in accordance with the foregoing grade.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

The term “unclassified” is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3297 Tolerances.

In order to allow for variations incident to proper grading and handling the following tolerances, by count, are provided:

(a) 10 percent of the plants in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage, including therein not more than 2 percent for decay.

APPLICATION OF TOLERANCES

§ 51.3298 Application of tolerances.

The contents of individual packages are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(a) A package shall have not more than one and one-half times a specified tolerance of 10 percent and not more than double a specified tolerance of less than 10 percent, except that at least one defective plant may be permitted in any package.

DEFINITIONS

§ 51.3299 Similar varietal characteristics.

“Similar varietal characteristics” means that the plants in any container are of the same general type.

§ 51.3300 Fresh.

“Fresh” means that the plant has normal succulence but the outermost leaves may be slightly wilted.

§ 51.3301 Well developed.

“Well developed” means that the plant shows normal growth and shape.

§ 51.3302 Well trimmed.

“Well trimmed” means that the stem is trimmed off close to the point of attachment of the outer leaves.

§ 51.3303 Damage.

“Damage” means the specific defect described in this section; any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the plants.

(a) Seedstems when the length of the attached seedstem is more than one-fourth the overall plant length or when any portion of the seedstem has been removed.

§ 51.3304 Serious damage.

“Serious damage” means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the plant.

The United States Standards for Grades of Romaine contained in this subpart shall become effective August 10, 1960, and will thereupon supersede the United States Standards for Romaine which

have been in effect since December 18, 1928.

Dated June 29, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60–6130; Filed, July 1, 1960; 8:47 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

Subpart—1961–62 Marketing Year County Acreage Allotments for 1961 Crop

§ 728.1106 Basis and purpose.

The county acreage allotments for 1961 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1961 as established by the proclamation dated May 10, 1960 (25 F.R. 4313).

Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made, shall be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the 10 calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. The applicable 10-year period used in apportioning the 1961 State wheat acreage allotments among the counties in the respective States included the years 1950 to 1959 inclusive.

Section 301(c) of the Act requires that the latest available statistics of the Federal Government be used in making the apportionments required to be made under the Act. Estimates of county annual seeded acreage made by the Agricultural Marketing Service of the Department of Agriculture do not meet the definitions of wheat acreage as contained in the regulations pertaining to 1961 wheat acreage allotments and marketing quotas. Such regulations provide that: (1) Wheat seeded in mixtures with other small grains will be counted as wheat acreage if the harvested mixture is classified as wheat or as mixed grain under the official grain standards; (2) Wheat used for cover crop will not be

counted as wheat acreage in any county; and (3) the transferring of farm records of wheat acreage across county lines will be permitted for administrative purposes. For these reasons acreage data obtained from farm surveys by ASC county committees in 1950, 1953, 1954, 1955, 1956, 1957, 1958, and 1959 covering the 10-year period, 1950-1959 were used as basic data in lieu of Agricultural Marketing Service estimates. It was necessary to adjust the total seeded acreage of wheat for 1954 in the States of Minnesota, Montana, North Dakota, and South Dakota in order that the acreage seeded to durum wheat in excess of the official farm acreage allotments under the provisions of Public Law 290, 83d Congress, for 1954, would not be considered in establishing future State, county, and farm acreage allotments. For 1955, 1956, and 1957, the data compiled by the farm survey excluded the acreage of durum wheat seeded in excess of the regular allotment under the provisions of Public Law 8, 84th Congress, for 1955, Public Law 431, 84th Congress, for 1956, and Public Law 85-13 for 1957. Therefore, no further adjustment was necessary for this factor for these years.

The 1953 Agricultural Stabilization and Conservation survey compiled 1951-53 wheat acreage seeded for grain, the acreage of mixtures of wheat and other small grains, and the acreage used for cover crop as separate items. Such items were included or excluded as required to conform to the wheat acreage definition set forth in the regulations. Since the change in definition for wheat mixtures will not be effective with the crops prior to 1960, no change was made in determining wheat history acreage for the 1959 and prior crops. The surveys for 1950, 1954, 1955, 1956, 1957, and 1958 compiled wheat acreage according to definition, so data for those years were used as compiled.

Credit for acreage diverted from wheat under previous agricultural adjustment and conservation programs was determined for each applicable county for the years 1950 and 1951. Credit for wheat diversion in 1950 was computed on a county basis for each State by subtracting from the total 1950 base acreage of wheat established for farms which complied with their 1950 wheat allotments, the larger of (1) the total 1950 wheat acreage seeded on such farms or (2) 90 percent of the total 1950 wheat acreage allotted to such farms.

No diversion credit was determined under the 1951 program for counties in which only spring wheat was seeded because wheat acreage allotments for that year were suspended before spring wheat was seeded. For counties in which only winter wheat was seeded, diversion credit for 1951 was computed by subtracting from the county base acreage of wheat established under the 1951 wheat allotment program the larger of (1) the total wheat acreage seeded in the county for 1951 or (2) the county wheat acreage allotment for 1951, except that no diversion credit was allowed where the total acreage in the county exceeded the county base acreage of wheat. For counties in which

both winter and spring wheat was seeded, diversion credit for 1951 was determined in the same manner as for counties in which only winter wheat was seeded except that the respective results were adjusted by applying a decimal factor which was obtained by dividing the total winter wheat acreage seeded in the county during the preceding three years by the total acreage of all wheat in the county during the same year.

Credit for wheat diversion in 1954 and 1955 was computed on a farm basis rather than on a county basis and was determined as follows: For each year, if the farm wheat acreage allotment was exceeded, no credit for diversion was allowed. If the allotment was not knowingly exceeded and the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county scaling factor and subtracting from this result the wheat acreage.

Credit for wheat diversion in 1956 was computed on a farm basis in a similar manner as for 1954 and 1955, except that 75 per centum was used in all computations instead of 90 per centum.

For 1954, the sum of all such computed diversion credits were totaled to obtain the county diversion credit for wheat. For the States of Minnesota, Montana, North Dakota, and South Dakota the acreages of Durum Wheat (Class II) grown within the allotment increases made for 1954 under Public Law 290, 83d Congress, were subtracted from the 1954 wheat acreage adjusted as described above so as to conform to language in this Act providing that such acreage shall not be considered in the determination of future allotments.

The acreages for 1955 and 1956, including diversion credit on a farm basis, were totaled from the 1960 record of farm data. The acreage thus used for 1955 and 1956 included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 8, 84th Congress and Public Law 431, 84th Congress; (2) the acreage diverted from the production of wheat on complying farms; and (3) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary.

Adjustments for abnormal weather conditions in county wheat acreage estimates were considered only for these counties for which the ASC State committees had determined that the wheat acreage seeded and diverted for any year of the 10-year period except 1957, 1958 and 1959, was below normal due to abnormal weather conditions, and the Director of the Grain Division had approved such determinations. Counties thus approved which had wheat acreage

plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level as an adjustment for abnormal weather. Determinations of such adjusted acreages made for years prior to 1957 were not revised even though minor revisions were made in acreages of the "normal" years as a result of census revisions.

The 1957 wheat acreage data as compiled from CSS statistics included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 85-13; (2) the amount by which the acreage on a farm was less than the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; (3) the acreage diverted from the production of wheat on complying farms; and (4) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary. Use of this 1957 acreage data precluded the necessity of making any adjustments for abnormal weather conditions.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85-203, to add the following: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section."

Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded. The 1958 wheat acreage data compiled from Commodity Stabilization Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded;

(2) The wheat acreage base on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and

(3) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86-419, to add the following:

(d) For the purpose of subsections (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is ap-

plicable; (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of this amendment and under the exception as prescribed in the provisos to Public Law 85-203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction. The 1959 wheat acreage data compiled from Commodity Stabilization Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded, except those farms on which the entire amount of the marketing quota excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the marketing quota excess was adjusted to zero because of underproduction;

(2) The wheat base acres on all farms on which the allotment was overseeded and on which the entire amount of the marketing quota excess was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the marketing quota excess was adjusted to zero because of underproduction;

(3) The wheat base acres on all farms complying with the wheat acreage allotment except those farms underplanting the allotment for the purpose of depleting stored excess; and

(4) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

To determine for each county the acreage seeded for the production of wheat during the ten calendar years immediately preceding the year 1960, in addition to the foregoing adjustments for diverted acres and abnormal weather, the following additional adjustments for trends, abnormal weather and promotion of soil conservation practices were made:

(1) The simple average of the annual county wheat acreage estimates, adjusted

as described above, for the 10-year period, 1950-59 inclusive, was determined

(2) The simple average of the annual wheat acreage estimates, adjusted as described above, for the 5-year period, 1955-59, was determined.

(3) A simple average of the 10-year average and the 5-year average was determined giving equal weight to each. This acreage became the preliminary adjusted county base acreage of wheat.

(4) A preliminary adjustment for trend was made by deducting from the county wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development.

(5) As a further adjustment for trend and to give greater effect to the sharp changes in county seeded acreages of wheat during recent years, the preliminary adjusted county base acreages were limited to an acreage of not less than 80 percent nor more than 120 percent of the 4-year (1956-59) average acreage.

(6) In those counties in which the trend adjustment as described above was not adequate to reflect the rapid downward trend in the county, a further adjustment was made by limiting the preliminary adjusted county base acres to 120 percent of a figure obtained by averaging the 4-year (1955-58) county average history with the 1959 county history giving 80 percent weight to the 4-year average history and 20 percent weight to the 1959 history.

Since the farm data for the years 1955 through 1959 as currently constituted on the 1960 farm record cards was used in determining the county base acres, no further adjustment was necessary for transfers of farms into or out of the county.

If the sum of the county base acreages thus established differed from the State base established for the apportionment of the national allotment to States, all preliminary county base acres were factored pro rata so that the sum of the county base acres equaled the State base acres.

The resultant preliminary 1961 county base acreages as further adjusted for trend were reviewed by the respective State Agricultural Stabilization and Conservation Committees and appropriate adjustments made for the promotion of soil conservation practices. In determining the preliminary county base acreage, no consideration was given to the effect on the seeding of wheat of abnormal weather which might have been usually favorable for the production of wheat and other small grains. During the extended drought period of the past few years, the reduction of rainfall in the more humid area of the wheat belt has resulted in some shifting of hay crops and row crops to the production of wheat and other small grains. If the State committee determined that the acreage of wheat in any county had increased in recent years due to abnormal weather conditions, the committee was permitted

to make a downward adjustment in the county base acreage subject to the approval of the Director of the Grain Division. The maximum acceptable adjustment was an upward adjustment of five percent or downward adjustment of five percent from the preliminary base acreage. All county base acres were factored pro rata so that the sum of the county base acres after such adjustments was the same as prior to the adjustments. The resultant figure was the final 1961 county wheat base acreage.

The county wheat acreage allotments for 1961 were determined by apportioning pro rata to the counties on the basis of the final 1961 county base acreages, the 1961 State wheat acreage allotment less (1) a reserve acreage for new farms in an amount not to exceed three per centum of the State acreage allotment, and (2) a reserve acreage for missed farms, appeals and correction of errors.

Section 334(a) of the Agricultural Adjustment Act of 1938, as amended, states in part, "The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States * * *. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotments because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed."

A reserve acreage of 55,000 acres was withheld for this purpose. In order for a county located in the 1958 commercial wheat-producing area to receive an additional allotment under this provision the State committee was required to establish that a definite delineable area of the county which had not been producing wheat prior to 1951 has gone into the production of wheat during the past ten years. The amount of additional allotment apportioned under this provision was the sum of the acreages determined on the basis of the formula set forth below, but in no case was the amount of the apportionment less than an amount obtained by subtracting the regular 1961 county allotment from 50 percent of the figure obtained by averaging the 4-year (1955-58) average county history with the 1959 county history, giving 80 percent weight to the 4-year average history and 20 percent weight to the 1959 history.

(1) The sum of the acreages apportioned by the State committee from the State reserve for new farm acreages in the delineable area for the 1960 crop year.

(2) The amount by which the 1961 regular county allotment was less than the 1960 final county allotment factored by the ratio of the State allotment in 1961 to the State allotment in 1960, if the 1961 State allotment was smaller than the 1960 allotment, less the allot-

ment which was lost to the county due to the provisions of Public Law 85-203 because of overseeding on allotment farms.

In the two States, Alabama and Mississippi, which were added to the commercial wheat-producing area in 1959, and in Arizona which was added to the commercial wheat area in 1960, the above mentioned apportionment procedure cannot be used because county allotments were not established between 1954 and the year the State reentered the commercial wheat-producing area. Since in each of these three States it was determined that virtually every county now producing wheat has come into the production of wheat during the past ten years, all such counties were treated alike. Sufficient acreage out of the national reserve was set aside to bring the total acres apportioned to the State to 50 percent of a figure obtained by averaging the 4-year (1955-58) average history, with the 1959 history, giving 80 percent weight to the 4-year average history and 20 percent weight to the 1959 history. Sufficient acreage was apportioned to each county from such reserve acreage so that for each of such counties the total of the regular allotment and the apportionment from the national reserve was the same percentage of the county average history obtained as described above. No apportionment from the national reserve was made in those counties in which the regular allotment exceeded the proportion of the average history that was the basis for the total allotment to other counties in these States.

The total apportioned from the national reserve was 29,514 acres.

The tables which are a part of the regulations show the county base acreage, and the apportionment of the 1961 State Wheat acreage allotments and the national reserve among the counties. The reserve acreage for new farms and the reserve acreage for missed farms, appeals and corrections of errors withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld for appeals and corrections by the county committee in apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

Prior to determinations of county acreage allotments for 1961 crop wheat, public notice (25 F.R. 218) was given in accordance with the Administrative Procedure Act (5 U.S.C 1003). No data, views, or recommendations pertaining to the determination of county acreage allotments for 1961 crop wheat were submitted pursuant to such notice. For farm wheat acreage allotments, which are based upon the county allotments herein, to be determined and farmers notified thereof prior to the wheat marketing quota referendum to be held on July 21, 1960, as required by law, it will be impracticable to publish these county allotments 30 days in advance of their effective date. Accordingly, the county allotments herein shall become effective upon filing with the Director, Division of the Federal Register.

§ 728.1107 Wheat acreage apportioned to counties for 1961.

Wheat Acreage Apportioned to Counties for 1961

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Alabama					
Autauga.....	1,182	785		348	231
Baldwin.....	9,084	6,031		1,937	1,286
Barbour.....	74	49		12	8
Bibb.....	43	32		15	10
Blount.....	104	62		42	28
Bullock.....	30	20		12	8
Calhoun.....	161	107		47	31
Chambers.....	535	355		53	35
Cherokee.....	1,285	853		387	257
Chilton.....	28	19		11	7
Clarke.....	151	100		18	12
Clay.....	80	53		24	16
Cleburne.....	179	119		60	40
Coffee.....	165	110		96	64
Colbert.....	9,882	6,561		2,209	1,467
Conecuh.....	167	111		23	15
Coosa.....	19	13		8	5
Covington.....	222	147		54	36
Crenshaw.....	31	21		23	15
Cullman.....	59	39		29	19
Dale.....	324	215		149	99
Dallas.....	823	546		145	96
De Kalb.....	175	116		53	35
Elmore.....	632	420		77	51
Escambia.....	1,374	912		361	240
Etowah.....	73	48		14	9
Fayette.....	92	61		18	12
Franklin.....	654	434		172	114
Geneva.....	871	578		226	150
Greene.....	19	13		2	1
Hale.....	383	254		47	31
Henry.....	345	229		102	68
Houston.....	1,072	712		304	202
Jackson.....	462	307		136	90
Jefferson.....	108	72		47	31
Lamar.....	65	43		38	25
Lauderdale.....	10,592	7,033		2,017	1,339
Lawrence.....	5,450	3,619		946	628
Lee.....	283	188		86	57
Limestone.....	8,119	2,071		637	423
Lowndes.....	408	271		149	99
Macon.....	285	189		57	38
Madison.....	3,610	2,397		666	442
Marion.....	41	27		12	8
Marshall.....	185	123		59	39
Mobile.....	129	86		18	12
Monroe.....	430	285		39	26
Montgomery.....	57	38		11	7
Morgan.....	1,115	740		172	114
Perry.....	1,180	783		319	212
Pickens.....	256	170		18	12
Pike.....	269	179		95	63
Randolph.....	192	127		105	70
Russell.....	252	167		83	55
St. Clair.....	46	31		6	4
Shelby.....	45	30		17	11
Sumter.....	116	77		36	24
Talladega.....	90	60		20	13
Tallapoosa.....	354	235		113	75
Tuscaloosa.....	78	52		42	28
Walker.....	76	50		21	14
Washington.....	119	79		53	35
Wilcox.....	366	243		39	26
Reserve new farms.....	57	38		5	3
Reserve appeals and corrections.....		390			
Total.....	60,158	40,332		13,140	8,721

ARIZONA

Apache.....	272	134		18	9
Cochise.....	1,522	752		1,159	573
Coconino.....	4,040	1,997		115	57
Graham.....	87	43		12	6
Greenlee.....	94	46		10	5
Maricopa.....	23,786	11,758		2,852	1,410
Mohave.....	734	363		0	0
Navajo.....	2,589	1,280		301	149
Pima.....	537	266		79	39
Pinal.....	17,211	8,508		2,648	1,309
Santa Cruz.....	24	12		0	0
Yavapai.....	2,614	1,292		372	184
Yuma.....	18,135	8,964		2,193	1,084
Reserve new farms.....		250			
Reserve appeals and corrections.....		0			
Total.....	71,645	35,665		9,759	4,825

ARKANSAS

Arkansas.....	1,069	718	1		
Ashley.....	83	56	0		
Baxter.....	174	117	0		
Benton.....	8,933	2,635	3		
Boone.....	290	194	1		
Carroll.....	253	160	1		
Chicot.....	1,082	725	0	115	77

Wheat Acreage Apportioned to Counties for 1961—Continued
CALIFORNIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Imperial.....	3,288	2,184	5	5	
Inyo.....	58,164	38,875	100	0	
Kern.....	1,861	1,244	25	25	
Kings.....	1,480	8,131	4	4	
Lassen.....	12,165	8,131	50	50	
Los Angeles.....	39,809	26,607	20	20	
Madera.....	16,122	10,775	25	25	
Mariposa.....	606	405	3	3	
Mariposa.....	166	111	0	0	
Mendocino.....	1,410	942	4	4	
Merced.....	4,691	3,135	20	20	
Modoc.....	23,784	15,897	75	75	8
Mono.....	23,784	15,897	75	75	12
Monterey.....	24,633	16,464	30	30	
Napa.....	2,253	1,506	1	1	
Orange.....	16,270	10,874	20	20	
Placer.....	1,167	1,167	15	15	
Plumas.....	29,426	19,667	5	5	
Riverside.....	26,583	17,767	30	30	
Sacramento.....	2,639	1,764	10	10	
San Benito.....	267	178	1	1	
San Bernardino.....	1,424	952	2	2	
San Diego.....	14,321	9,572	50	50	
San Joaquin.....	137,456	91,871	50	50	
San Luis Obispo.....	70	47	3	3	
Santa Clara.....	13,188	8,815	20	20	
Santa Barbara.....	167	167	3	3	
Santa Clara.....	2,385	1,601	15	15	
Sierra.....	2,385	1,601	15	15	
Siskiyou.....	29,619	19,796	50	50	
Solano.....	19,852	13,268	25	25	
Sonoma.....	1,114	745	5	5	
Stanislaus.....	25,385	17,100	10	10	
Sutter.....	3,116	2,116	25	25	
Tehama.....	43,163	28,550	50	50	
Tulare.....	1,433	29	0	0	
Ventura.....	1,106	779	2	2	
Yolo.....	16,222	10,842	40	40	
Yuba.....	2,207	1,475	10	10	
Reserve new farms.....		1,069			
Reserve appeals and corrections.....		251			
Total.....	637,980	427,726	931	619	441

COLORADO

Adams.....	193,906	129,703			
Alamosa.....	1,353	906			
Archuleta.....	97,803	62,038			
Archuleta.....	2,845	1,705			
Baca.....	376,801	254,442			
Bent.....	43,810	29,350			
Boulder.....	16,429	11,096			
Chaffee.....	211,487	141,749			
Cheyenne.....	2,497	1,673			
Conejos.....	1,677	1,124			
Costilla.....	16,284	10,909			
Crowley.....	16,284	10,909			
Custer.....	505	338			
Delta.....	1,884	1,262			
Dolores.....	46,567	31,197			
Douglas.....	16,431	11,008			
Eagle.....	534	358			
Elbert.....	97,615	65,396			
El Paso.....	23,877	15,996			
Fremont.....	853	572			
Garfield.....	7,400	4,958			
Grand.....	1,711	1,146			
Huerfano.....	7,441	4,985			

Wheat Acreage Apportioned to Counties for 1961—Continued
ARKANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Clay.....	8,283	5,552	5	5	
Cleburne.....	39	26	1	1	
Conway.....	2,256	1,511	3	3	
Craighead.....	1,419	951	5	5	
Crawford.....	2,706	1,813	2	2	
Crittenden.....	7,348	4,922	3	3	
Cross.....	3,385	2,268	2	2	
Desha.....	374	251	2	2	
Drew.....	69	46	0	0	
Faulkner.....	351	235	1	1	
Franklin.....	496	332	2	2	
Fulton.....	204	137	0	0	
Garland.....	47	31	0	0	
Greene.....	1,815	1,216	2	2	
Hempstead.....	13	9	0	0	
Hot Spring.....	28	19	0	0	
Independence.....	6,171	4,134	0	0	
Izard.....	2,306	1,545	2	2	
Jackson.....	210	141	0	0	
Jefferson.....	1,349	904	10	10	
Johnston.....	14	9	0	0	
Lafayette.....	1,874	1,255	3	3	
Lawrence.....	2,274	1,523	0	0	
Lee.....	122	81	0	0	
Lincoln.....	41	27	0	0	
Little River.....	2,122	1,422	1	1	
Logan.....	881	590	0	0	
Lonek.....	517	346	0	0	
Madison.....	19	13	0	0	
Marion.....	48	32	0	0	
Miller.....	14	9	0	0	
Mississippi.....	14,723	9,864	10	10	
Monte.....	48	32	0	0	
Montgomery.....	2	1	0	0	
Newton.....	2	1	0	0	
Quadrille.....	449	301	1	1	
Phillips.....	3,281	2,198	2	2	
Poinsett.....	1,909	1,278	2	2	
Polk.....	15	10	0	0	
Pope.....	1,664	1,115	3	3	
Prairie.....	3,379	2,264	1	1	
Pulaski.....	1,900	1,333	0	0	
Randolph.....	5,106	3,421	5	5	
St. Francis.....	8	5	0	0	
Saline.....	295	198	0	0	
Searcy.....	544	364	1	1	
Sebastian.....	2	1	0	0	
Sevier.....	153	102	0	0	
Sharp.....	352	236	0	0	
Van Buren.....	47	31	0	0	
Washington.....	1,119	750	3	3	
White.....	1,041	697	2	2	
Woodruff.....	2,088	1,399	2	2	
Yell.....	1,027	688	1	1	
Reserve new farms.....		25			
Reserve appeals and corrections.....		26			
Total.....	93,950	62,988	94	7,722	5,172

CALIFORNIA

Alameda.....	2,359	1,577	10		
Alpine.....	16	11	0		
Amador.....	401	268	0		
Butte.....	12,084	8,077	25		
Colusa.....	10,099	6,750	25		
Contra Costa.....	2,199	1,470	5		
Fremont.....	1	1	0		
El Dorado.....	26,074	17,427	15		
Fresno.....	5,508	3,681	20		

Wheat Acreage Apportioned to Counties for 1961—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage apportioned	Acreage apportioned
Clarke.....	2,639	1,763			
Clay.....	187	125			
Clayton.....	425	284			
Cobb.....	211	141			
Coffee.....	137	92			
Colquitt.....	8	5			
Columbia.....	350	234			
Coweta.....	447	299			
Crawford.....	1,662	1,110			
Crisp.....	915	611			
Dade.....	152	102			
Dawson.....	319	213			
Decatur.....	42	28			
De Kalb.....	235	194			
Dodge.....	203	176			
Dooly.....	3,508	2,343			
Douglas.....	965	638			
Dougherty.....	242	162			
Early.....	1,299	828			
Effingham.....	3,071	2,633			
Emanuel.....	693	663			
Evans.....	27	20			
Fayette.....	797	488			
Floyd.....	950	641			
Forsyth.....	691	462			
Franklin.....	5,841	3,902			
Fulton.....	564	377			
Gilmer.....	33	22			
Glascock.....	770	514			
Gordon.....	833	556			
Grady.....	329	220			
Greene.....	582	389			
Gwinnett.....	2,150	1,423			
Habersham.....	229	681			
Hall.....	1,019	681			
Hancock.....	433	289			
Haralson.....	391	261			
Harris.....	100	127			
Hart.....	8,061	5,385			
Heard.....	753	506			
Henry.....	2,543	1,699			
Houston.....	7,231	4,844			
Irwin.....	11	7			
Jackson.....	4,480	2,983			
Jasper.....	730	488			
Jeff Davis.....	2	1			
Jefferson.....	15,222	10,169			
Jenkins.....	472	315			
Johnson.....	1,009	674			
Jones.....	124	83			
Lamar.....	743	498			
Laurens.....	2,575	1,720			
Lee.....	710	474			
Lincoln.....	447	299			
Lowndes.....	46	31			
Lumpkin.....	73	49			
McDuffie.....	466	311			
Madison.....	3,203	2,143			
Marion.....	12,593	8,356			
Meriwether.....	973	650			
Miller.....	389	260			
Monroe.....	30	20			
Montgomery.....	382	255			
Morgan.....	1,307	85			
Murray.....	1,800	1,043			
Newton.....	1,700	1,043			
Oconee.....	3,848	2,525			
Oglethorpe.....	8,094	5,407			
Ochlocknee.....	3,383	2,266			
Peach.....	3,432	2,293			

Wheat Acreage Apportioned to Counties for 1961—Continued

COLORADO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage apportioned	Acreage apportioned
Jackson.....	700	469			
Jefferson.....	12,543	8,403			
Kiowa.....	330,437	221,371			
Kit Carson.....	362,022	242,531			
La Plata.....	28,493	19,756			
Larimer.....	32,977	22,092			
Las Animas.....	30,003	20,100			
Lincoln.....	203,218	136,143			
Logan.....	204,745	137,166			
Mesa.....	2,312	1,549			
Monte Vista.....	48,936	32,784			
Montezuma.....	30,967	20,746			
Montrose.....	7,498	5,023			
Morgan.....	89,886	60,017			
Otero.....	3,044	2,039			
Pueblo.....	1,193	789			
Phillips.....	163,094	109,322			
Pitkin.....	235,315	157,963			
Producers.....	28,787	18,109			
Rio Blanco.....	2,447	1,609			
Rio Grande.....	4,447	2,979			
Rock.....	35,692	23,844			
Saguache.....	1,076	721			
Sagittal.....	1,371	919			
Sedgewick.....	93,803	62,842			
Teller.....	27	18			
Washington.....	352,856	236,390			
Weld.....	281,783	188,776			
Yuma.....	211,690	141,818			
Reserve new farms.....		1,500			
Reserve appeals and corrections.....					
Total.....	3,972,027	2,662,998			

DELAWARE

Kent.....	21,528	14,389	100		
New Castle.....	17,377	11,615	25		
Sussex.....	9,962	6,653	25		
Reserve new farms.....		6,100			
Reserve appeals and corrections.....		0			
Total.....	48,867	32,702	150		

GEORGIA

Appling.....	55	37			
Bacon.....	8	5			
Baker.....	183	122			
Baldwin.....	55	35			
Banks.....	1,626	1,036			
Barrow.....	1,469	981			
Ben Hill.....	3,138	2,096			
Berrien.....	48	32			
Bibb.....	7	5			
Bleckley.....	970	643			
Brooks.....	573	383			
Bryan.....	73	49			
Bulloch.....	12	8			
Burke.....	378	248			
Burt.....	1,283	855			
Calhoun.....	1,154	763			
Candler.....	17	11			
Carroll.....	1,272	850			
Chatham.....	406	271			
Chatahoochee.....	261	175			
Cherokee.....	237	158			

Wheat Acreage Apportioned to Counties for 1961—Continued

IDAHO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Franklin	51,503	34,504	125		
Fremont	71,896	48,166	75		
Gem	2,957	1,981	20		
Gooding	10,911	7,310	75		
Idaho	87,769	58,800	150		
Jefferson	41,981	28,125	100		7
Jerome	18,893	12,661	65		
Kootenai	36,610	24,527	140		103
Latah	98,687	66,114	300		
Lemhi	1,306	1,949	35		
Lewis	60,551	40,566	50		
Lincoln	14,454	9,683	50		
Madison	71,748	48,067	50		
Minidoka	32,855	22,011	50		
Nez Percé	94,249	63,141	175		1,283
Oneida	102,489	68,661	50		
Owyhee	7,362	4,932	25		
Payette	7,354	4,933	15		
Power	144,693	96,936	250		
Teton	43,434	29,098	34		
Twin Falls	49,975	33,480	200		
Valley	26,267	17,597	20		
Washington					
Reserve new farms					
Reserve appeals and corrections					
Total	1,757,021	1,177,974	3,564	4,566	3,059

ILLINOIS

Adams	50,204	33,624	125		
Alexander	4,695	17,298	100		
Bond	25,828	17,298	3		
Brown	10,334	6,921	50		
Bureau	2,797	1,873	20		
Calhoun	6,630	4,440	25		
Carroll	4,428	287	6		
Cass	28,277	18,938	50		
Champaign	44,076	29,519	100		
Christian	70,285	47,073	100		
Clark	34,144	22,868	75		
Clay	18,915	12,663	25		
Clinton	46,756	31,314	125		
Coles	34,064	22,814	85		
Cook	2,979	1,995	10		
Crawford	23,706	15,877	60		
Cumberland	20,559	13,769	40		
De Kalb	20,923	13,769	3		
Douglas	8,110	5,432	50		
Du Page	26,267	17,592	50		
Edgar	4,451	2,981	20		
Edward	38,963	26,095	125		
Effingham	16,456	11,021	50		
Fayette	27,204	18,220	75		
Ford	35,236	23,599	60		
Franklin	98,976	654	25		
Fulton	27,283	18,273	50		
Gallatin	23,822	15,955	100		
Greene	11,496	7,699	40		
Grundy	33,757	22,608	100		
Hamilton	1,053	709	10		
Hancock	17,864	11,964	50		
Henderson	34,354	23,008	75		
Henry	245	4,140	5		
Herrington	6,181	4,140	50		
Herrington	1,299	1,299	15		
Iroquois	17,762	11,896	50		
Jackson	25,730	17,246	60		
Jasper	30,494	20,423	73		
Jefferson	27,786	15,609	65		

Wheat Acreage Apportioned to Counties for 1961—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Pickens	160	107			
Pike	1,543	1,031			
Polk	1,379	921			
Fulaski	1,050	701			
Putnam	243	162			
Quitman	24	16			
Rabun	25	17			
Randolph	472	315			
Richmond	1,073	717			
Rockdale	373	249			
Schley	360	240			
Screven	478	319			
Seminole	405	271			
Spalding	1,806	1,207			
Stephens	627	419			
Stewart	98	65			
Sumter	3,570	2,385			
Talbot	222	148			
Talferro	277	185			
Tatnall	58	39			
Taylor	344	230			
Telfair	44	29			
Terrell	530	354			
Thomas	131	88			
Tift	45	30			
Toombs	105	70			
Towus	134	90			
Treuten	79	53			
Troup	94	63			
Turner	348	232			
Twiggs	108	72			
Union	828	519			
Upson	971	630			
Walker	80	50			
Walton	2,853	1,908			
Warren	2,657	1,448			
Washington	2,657	1,712			
Washington	5,170	3,114			
Webster	1,255	838			
White	1,104	70			
Whitefield	1,537	1,027			
Wilkes	1,898	1,266			
Wilkes	1,160	775			
Wilkinson	1,220	147			
Worth	232	155			
Reserve new farms		350			
Reserve appeals and corrections					
Total	166,153	111,395		1	1

IDAHO

Ada	8,820	5,708	50		
Adams	1,589	1,065	15		
Bannock	73,769	49,421	150		
Bear Lake	33,055	22,145	50		469
Benehah	29,188	19,554	40		
Bingham	77,909	52,194	60		
Blaine	10,900	7,302	25		559
Bolse	665	445	0		
Bonner	2,448	1,640	15		
Bonneville	136,440	91,407	350		170
Boundary	13,183	8,832	15		
Butte	14,557	9,752	105		
Camas	49,288	33,020	200		
Canyon	24,490	16,407	120		
Caribou	75,388	50,505	75		
Cassia	92,741	62,130	100		
Clark	7,936	5,317	10		460
Clearwater	11,893	7,633	30		33
Custer	2,913	1,952	20		
Elmore	11,249	7,536	50		

What Acreage Apportioned to Counties for 1961—Continued
INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Blackford.....	4,672	3,128	25		
Brown.....	12,572	8,418	75		
Carroll.....	18,721	12,320	15		
Cass.....	17,052	11,417	63		
Clark.....	9,983	16,671	58		
Clay.....	21,880	14,717	74		
Clinton.....	24,498	16,403	34		
Daviess.....	3,424	2,292	85		
Dearborn.....	27,435	18,369	17		
Decatur.....	8,757	5,870	92		
De Kalb.....	37,472	25,089	42		
Delaware.....	25,849	17,307	125		
Dubois.....	16,642	11,143	87		
Elkhart.....	19,514	13,065	58		
Fayette.....	27,418	18,358	65		
Floyd.....	14,742	9,870	92		
Fountain.....	2,469	1,653	49		
Franklin.....	24,285	16,290	15		
Fulton.....	20,994	14,057	82		
Gibson.....	16,478	11,033	85		
Grant.....	32,560	21,794	56		
Greene.....	17,005	11,386	110		
Hamilton.....	16,124	10,796	100		
Hancock.....	15,999	10,712	60		
Harrison.....	15,842	10,607	53		
Hendricks.....	11,175	7,482	60		
Henry.....	15,081	10,097	37		
Howard.....	16,345	10,944	52		
Huntington.....	16,450	11,014	55		
Jackson.....	17,166	11,493	60		
Jasper.....	23,517	15,746	65		
Jay.....	21,703	14,531	79		
Jefferson.....	15,858	10,618	100		
Jennings.....	9,504	6,363	55		
Johnson.....	13,281	8,892	32		
Knox.....	19,152	12,823	45		
Kosciusko.....	46,594	31,197	64		
Lagrange.....	26,891	18,005	156		
Lake.....	23,372	15,649	100		
La Porte.....	16,274	10,896	75		
Lawrence.....	44,708	29,934	300		
Madison.....	4,439	2,972	25		
Marion.....	20,994	14,056	70		
Marshall.....	10,354	6,932	35		
Martin.....	22,542	15,093	125		
Miami.....	3,139	2,102	15		
Monroe.....	16,054	10,749	55		
Montgomery.....	1,813	1,214	15		
Morgan.....	23,521	15,748	80		
Noble.....	11,709	7,840	80		
Ohio.....	13,531	8,892	100		
Orange.....	21,789	14,583	100		
Parke.....	1,547	1,037	25		
Perry.....	5,518	3,695	25		
Pike.....	17,083	12,777	127		
Porter.....	11,123	7,469	24		
Posey.....	11,051	7,399	70		
Pulaski.....	26,705	17,880	100		
Randolph.....	35,382	23,690	118		
Ripley.....	21,544	14,425	72		
Rush.....	13,296	8,902	75		
St. Joseph.....	21,093	14,063	71		
Scott.....	24,118	16,148	81		
Shelby.....	34,147	22,863	115		
Spencer.....	29,340	19,644	98		
Starke.....	6,160	4,124	21		
Steuben.....	31,321	20,971	105		
Sullivan.....	20,453	13,694	80		
	14,555	9,611	275		
	10,718	16,008	60		
	28,387	19,006	100		

What Acreage Apportioned to Counties for 1961—Continued
ILLINOIS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jersey.....	26,964	18,059	75		
Jo Daviess.....	2,488	1,332	2		
Kane.....	2,884	1,932	15		
Kankakee.....	3,149	2,109	12		
Kendall.....	10,923	7,362	75		
Knox.....	1,259	7,843	20		
Lake.....	4,153	2,781	20		
La Salle.....	5,086	3,406	13		
Lawrence.....	3,054	2,045	20		
Lee.....	28,353	19,009	125		
Livingston.....	4,470	2,994	20		
Logan.....	1,194	8,800	30		
McDonough.....	29,567	19,802	100		
McHenry.....	16,444	11,013	75		
McLean.....	2,338	1,566	10		
Macon.....	5,851	3,919	20		
Macoupin.....	29,435	19,714	80		
Madison.....	62,455	41,829	80		
Marion.....	77,214	51,713	150		
Marshall.....	29,638	19,850	60		
Massac.....	4,340	2,907	15		
Mason.....	46,726	31,294	100		
Massey.....	4,767	3,193	12		
Menard.....	22,351	14,969	50		
Mermer.....	2,052	1,384	20		
Monroe.....	49,935	33,444	100		
Montgomery.....	57,535	38,534	75		
Morgan.....	43,349	29,033	75		
Modiola.....	23,537	15,764	70		
Ogle.....	1,491	999	5		
Peoria.....	13,094	8,770	50		
Perry.....	26,210	17,560	40		
Pike.....	22,649	15,169	50		
Pope.....	33,706	22,574	50		
Pulaski.....	2,838	1,901	10		
Putnam.....	5,643	3,779	10		
Randolph.....	45,177	32,836	75		
Richardson.....	17,344	11,616	10		
Rock Island.....	8,535	5,624	150		
Saline.....	17,807	12,051	80		
Sangamon.....	53,600	35,325	100		
Schuyler.....	21,391	13,926	125		
Shelby.....	20,803	13,926	75		
Shelby.....	49,489	33,145	20		
Stephenson.....	270	181	5		
Tazewell.....	27,325	18,301	100		
Union.....	9,549	6,395	15		
Vermilion.....	57,981	38,832	150		
Wabash.....	19,992	13,389	50		
Warren.....	1,735	1,163	25		
Washington.....	72,999	48,890	75		
Wayne.....	23,337	15,630	65		
White.....	35,217	23,586	100		
Whiteside.....	5,697	3,816	20		
Will.....	10,646	7,132	75		
Williamson.....	8,291	5,553	15		
Winnebago.....	1,727	1,157	10		
Woodford.....	4,231	2,934	15		
Reserve for new farms.....		1,000			
Reserve for appeals and corrections.....		1,489			
Total.....	2,152,078	1,442,835	5,442		

INDIANA

Adams.....	19,263	12,897	70		
Allen.....	40,602	27,185	136		
Bartholomew.....	31,965	21,562	107		
Benton.....	17,588	11,775	60		

Wheat Acreage Apportioned to Counties for 1961—Continued

IOWA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Mahaska.....	885	590	10		
Marion.....	1,728	1,152	15		
Marshall.....	1,168	112	6		
Mills.....	14,422	9,613	60		
Monona.....	24,011	16,004	55		
Monroe.....	1,281	854	5		
Montgomery.....	6,406	4,270	65		
Muscatine.....	1,462	974	10		
Oscola.....	27	18	0		
Page.....	12,113	8,074	50		
Palo Alto.....	14	9	1		
Plymouth.....	1,299	866	15		
Pocahontas.....	32	21	0		
Polk.....	3,445	2,296	25		
Pottawattamie.....	11,004	7,335	60		
Poweshiek.....	102	68	1		
Ringgold.....	3,292	2,194	15		
Sac.....	29	19	0		
Scott.....	492	328	4		
Shelby.....	318	212	5		
Stout.....	26	17	2		
Story.....	224	149	5		
Tama.....	99	66	0		
Taylor.....	5,379	3,585	40		
Union.....	389	389	10		
Van Buren.....	3,845	2,593	100		
Wapello.....	2,513	1,675	30		
Warren.....	5,193	3,465	20		
Washington.....	364	376	5		
Wayne.....	484	293	14		
Winnebago.....	80	28	0		
Woodbury.....	9,389	6,283	20		
Worth.....	66	18	6		
Wright.....	27	500	0		
Reserve new farms.....		250			
Reserve appeals and corrections.....					
Total.....	192,189	128,831	1,277		

KANSAS

Allen.....	36,421	24,413	55		
Anderson.....	40,644	27,244	60		
Atchison.....	41,446	27,782	100		
Barber.....	183,370	122,915	50		
Barton.....	355,161	238,069	50		
Bourbon.....	28,177	18,887	50		
Brown.....	53,501	35,882	75		
Butler.....	92,822	62,220	50		
Chase.....	28,495	19,101	50		
Chautauqua.....	19,294	12,933	30		
Cherokee.....	89,445	59,956	50		
Cheyenne.....	174,914	117,247	50		
Clark.....	151,152	101,319	50		
Clay.....	140,930	94,501	75		
Cloud.....	178,806	119,856	100		
Coffey.....	38,407	26,415	50		
Comanche.....	149,943	100,509	50		
Cowley.....	147,827	99,090	50		
Crawford.....	49,408	33,119	30		
Decatur.....	147,400	98,804	120		
Dickinson.....	213,430	143,065	100		
Doniphan.....	21,447	14,376	50		
Douglas.....	43,085	28,880	50		
Edwards.....	224,593	150,547	50		
Ellis.....	18,321	12,281	25		
Ellsworth.....	228,079	152,884	60		
Finney.....	174,047	116,666	50		
Ford.....	280,837	185,249	50		
Franklin.....	394,852	264,685	50		
Geary.....	36,641	24,561	50		
Total.....	42,530	28,522	50		

Wheat Acreage Apportioned to Counties for 1961—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Switzerland.....	3,949	2,644	25		
Tipton.....	30,004	20,089	100		
Union.....	13,970	9,354	47		
Vanderburgh.....	15,671	10,492	62		
Vermillion.....	16,541	11,075	75		
Vigo.....	14,654	9,811	50		
Wabash.....	19,489	13,049	75		
Warren.....	21,820	14,609	75		
Warrick.....	19,393	12,984	65		
Washington.....	13,661	9,147	46		
Wayne.....	14,329	9,594	50		
Wells.....	22,190	14,837	74		
White.....	16,489	11,040	55		
Whitley.....	19,375	12,973	65		
Whitley.....	17,355	11,620	58		
Reserve new farms.....		1,000			
Reserve appeals and corrections.....					
Total.....	1,680,064	1,126,379	6,644		

IOWA

Adair.....	503	325	10		
Adams.....	2,439	1,636	26		
Albany.....	20	13	0		
Allen.....	1,327	884	15		
Appanoose.....	451	301	5		
Benton.....	64	43	1		
Black Hawk.....	79	53	0		
Boone.....	12	8	0		
Bremer.....	133	89	3		
Buchanan.....	54	36	0		
Calhoun.....	48	32	0		
Cass.....	2,154	1,436	16		
Cedar.....	92	61	2		
Cerro Gordo.....	36	24	1		
Chickasaw.....	454	303	10		
Clarke.....	2	1	0		
Clayton.....	149	99	4		
Crawford.....	564	376	5		
Dallas.....	685	457	15		
Davis.....	2,175	1,450	20		
Decatur.....	1,130	753	7		
Delaware.....	16	11	2		
Des Moines.....	5,354	3,569	40		
Dickinson.....	4	3	0		
Dubuque.....	105	70	0		
Floyd.....	17	11	0		
Fremont.....	16,299	10,864	100		
Greene.....	46	31	0		
Guthrie.....	762	508	10		
Hamilton.....	44	29	0		
Hancock.....	35	23	0		
Harrison.....	23,136	15,421	120		
Henry.....	1,796	1,197	25		
Ia.....	76	51	0		
Iowa.....	236	157	5		
Jackson.....	5	3	0		
Jasper.....	1,251	834	15		
Jefferson.....	1,846	1,230	20		
Johnson.....	147	98	2		
Jones.....	90	60	15		
Kosciusko.....	396	264	0		
Lee.....	3	2	0		
Lincoln.....	10,698	7,064	100		
Linn.....	1,017	674	0		
Louis.....	1,854	1,302	0		
Lucas.....	1,270	895	12		
Lyon.....	31	26	0		
Madison.....	2,753	1,835	10		

Wheat Acreage Apportioned to Counties for 1961—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Woodson.....	21,512	14,420	50		
Wyandotte.....	4,117	2,760	25		
Reserve new farms.....		1,200			
Reserve appeals and corrections.....		1,800			
Total.....	15,901,626	10,661,056	6,748		

KENTUCKY

Adair.....	1,979	1,323	30		
Allen.....	2,916	1,950	6		
Anderson.....	325	351	5		
Ballard.....	1,809	1,209	10		
Barren.....	2,689	1,788	10		
Bath.....	1,978	1,322	10		
Boone.....	1,458	975	0		
Bourbon.....	7,433	4,969	25		
Boyd.....	36	24	0		
Boyle.....	3,324	2,222	3		
Bracken.....	1,727	1,155	2		
Breckinridge.....	7,485	5,004	30		
Bullitt.....	2,099	1,403	25		
Butler.....	1,186	763	2		
Caldwell.....	2,773	1,854	10		
Calloway.....	6,742	4,507	10		
Campbell.....	881	589	5		
Carlisle.....	1,050	702	5		
Carroll.....	429	287	5		
Carter.....	163	109	5		
Casey.....	918	614	2		
Christian.....	26,255	17,553	25		
Clark.....	1,238	841	5		
Clinton.....	1,336	1,336	10		
Crittenden.....	198	132	1		
Cumberland.....	8,362	5,590	10		
Davess.....	652	436	6		
Fayette.....	2,822	1,954	10		
Fleming.....	2,043	1,369	5		
Franklin.....	4,032	2,716	2		
Fulton.....	801	536	5		
Gallatin.....	1,308	246	2		
Garrard.....	1,639	1,096	5		
Grant.....	6,327	4,583	5		
Graves.....	4,532	3,224	5		
Grayson.....	1,892	1,261	2		
Green.....	1,825	1,261	10		
Greene.....	42	95	4		
Grundy.....	1,941	1,298	3		
Harlan.....	3,407	3,675	25		
Harrison.....	3,465	2,317	5		
Hart.....	459	307	5		
Henderson.....	6,019	4,024	20		
Henry.....	1,935	1,294	5		
Hickman.....	5,810	3,884	15		
Hopkins.....	6,341	4,241	10		
Jackson.....	123	84	0		
Jefferson.....	3,094	2,069	10		
Jessamine.....	1,537	1,061	10		
Kenton.....	252	168	3		
Knox.....	64	43	0		
Laurel.....	2,408	1,610	5		
Lee.....	74	49	2		
Lewis.....	18	12	0		
Letcher.....	789	527	5		
Lincoln.....	2,791	1,791	10		
Livingston.....	1,004	1,671	0		
Logan.....	22,385	14,965	50		
Lyon.....	1,593	1,065	0		

Wheat Acreage Apportioned to Counties for 1961—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Gove.....	175,652	117,742	50		
Graham.....	176,352	118,231	50		
Grant.....	131,548	88,178	80		
Gray.....	304,133	203,864	50		
Greenlee.....	209,475	140,414	50		
Greenwood.....	27,692	18,662	50		
Hamilton.....	211,748	141,937	50		
Harper.....	291,490	186,389	50		
Harvey.....	150,885	100,939	75		
Haskell.....	215,406	144,657	100		
Hodgeman.....	230,792	154,703	75		
Jackson.....	50,090	33,536	75		
Jefferson.....	176,730	31,337	75		
Jewell.....	175,631	117,728	100		
Johnson.....	34,603	123,237	50		
Kearney.....	106,020	106,020	75		
Kingman.....	253,763	113,103	75		
Kiowa.....	176,101	113,103	75		
Lafayette.....	84,660	56,755	50		
Lane.....	174,368	117,550	50		
Leavenworth.....	34,120	22,871	50		
Lincoln.....	173,187	116,069	50		
Linn.....	33,904	22,726	50		
Lyon.....	168,809	113,155	50		
McPherson.....	51,405	34,457	100		
Marion.....	302,310	202,642	150		
Marshall.....	179,095	120,050	100		
Meade.....	115,141	77,180	80		
Miami.....	241,075	161,596	50		
Mitchell.....	38,673	25,923	50		
Montgomery.....	259,665	174,057	100		
Morris.....	63,368	42,476	40		
Morton.....	63,590	42,625	100		
Munich.....	126,573	84,843	70		
Nemaha.....	47,554	31,876	50		
Neosho.....	61,553	41,280	50		
Ness.....	296,918	199,029	150		
Norton.....	128,507	86,140	50		
Osborne.....	37,368	25,048	50		
Ottawa.....	212,016	142,117	50		
Pawnee.....	173,912	116,575	50		
Phillips.....	303,407	203,377	50		
Pottawatomie.....	142,486	95,510	50		
Pratt.....	56,894	38,137	75		
Rawlins.....	260,309	174,488	63		
Reno.....	184,281	123,626	50		
Republic.....	421,462	282,511	100		
Rice.....	136,494	91,494	75		
Riley.....	245,456	164,532	50		
Roots.....	47,884	31,896	50		
Rush.....	211,229	141,589	50		
Russell.....	275,553	184,707	50		
Saline.....	225,447	151,120	50		
Scott.....	189,237	126,858	100		
Sedwick.....	176,897	116,576	50		
Seward.....	284,302	190,571	100		
Shawnee.....	131,752	92,111	75		
Sheridan.....	171,433	116,046	25		
Shiela.....	221,452	155,303	50		
Smith.....	163,041	107,293	50		
Stanton.....	250,743	167,744	50		
Stearns.....	188,380	126,279	50		
Stevens.....	150,833	101,107	50		
Sumner.....	436,487	292,684	200		
Texas.....	287,265	192,557	50		
Thomas.....	191,774	128,548	50		
Trego.....	40,253	26,982	50		
Wallace.....	125,439	84,053	50		
Washington.....	127,827	85,684	40		
Wichita.....	168,844	113,178	150		
Wilson.....	64,383	43,157	50		

RULES AND REGULATIONS

Wheat Acreage Apportioned to Counties for 1961—Continued

MARYLAND—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Wicomico.....	757	506	5	.....	.....
Worcester.....	2,028	1,357	15	.....	.....
Reserve new farms.....	.....	300	.....	.....	.....
Reserve appeals and corrections.....	.....	100	.....	.....	.....
Total.....	261,575	175,370	895	.....	.....

MICHIGAN

Alcona.....	2,839	1,901	10	.....	.....
Alcona.....	14	9	2	.....	.....
Alcona.....	32,337	21,637	150	.....	.....
Alcona.....	6,927	4,589	20	.....	.....
Alcona.....	1,104	1,739	50	.....	.....
Alcona.....	6,116	4,193	20	.....	.....
Alcona.....	29,552	19,997	75	.....	.....
Alcona.....	27,043	18,112	70	.....	.....
Alcona.....	27,302	18,202	10	.....	.....
Alcona.....	18,652	12,492	100	.....	.....
Alcona.....	32,980	22,088	125	.....	.....
Alcona.....	42,784	28,654	125	.....	.....
Alcona.....	23,236	15,562	100	.....	.....
Alcona.....	1,771	1,186	25	.....	.....
Alcona.....	1,239	1,830	15	.....	.....
Alcona.....	1,789	528	28	.....	.....
Alcona.....	2,471	3,471	20	.....	.....
Alcona.....	3,689	32,159	100	.....	.....
Alcona.....	48,017	3	0	.....	.....
Alcona.....	201	135	5	.....	.....
Alcona.....	8	5	0	.....	.....
Alcona.....	45,552	30,508	100	.....	.....
Alcona.....	1,047	701	30	.....	.....
Alcona.....	36,564	24,488	100	.....	.....
Alcona.....	4,399	3,281	30	.....	.....
Alcona.....	2,658	1,780	20	.....	.....
Alcona.....	42,014	28,138	50	.....	.....
Alcona.....	34,670	23,220	150	.....	.....
Alcona.....	53	35	2	.....	.....
Alcona.....	71,264	47,728	125	.....	.....
Alcona.....	35,779	23,963	200	.....	.....
Alcona.....	44,557	29,842	200	.....	.....
Alcona.....	2,142	1,435	15	.....	.....
Alcona.....	26,195	16,874	150	.....	.....
Alcona.....	28,777	19,273	125	.....	.....
Alcona.....	34,559	23,146	100	.....	.....
Alcona.....	26,162	17,322	100	.....	.....
Alcona.....	841	21,853	80	.....	.....
Alcona.....	32,369	21,803	50	.....	.....
Alcona.....	1,189	4,809	25	.....	.....
Alcona.....	60,580	40,573	300	.....	.....
Alcona.....	30,142	20,167	150	.....	.....
Alcona.....	96	66	9	.....	.....
Alcona.....	20,145	13,492	100	.....	.....
Alcona.....	7,071	17,117	10	.....	.....
Alcona.....	8,181	4,809	25	.....	.....
Alcona.....	5,601	5,760	50	.....	.....
Alcona.....	362	5,242	10	.....	.....
Alcona.....	11,926	7,957	50	.....	.....
Alcona.....	2,577	1,726	15	.....	.....
Alcona.....	47,068	31,523	300	.....	.....
Alcona.....	27,515	18,428	125	.....	.....
Alcona.....	1,678	1,124	20	.....	.....
Alcona.....	6,252	4,187	50	.....	.....
Alcona.....	7,590	5,043	50	.....	.....
Alcona.....	17,295	11,584	100	.....	.....

Wheat Acreage Apportioned to Counties for 1961—Continued

KENTUCKY—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
McCracken.....	1,056	706	5	.....	.....
McCracken.....	3,369	2,252	15	.....	.....
McCracken.....	868	580	5	.....	.....
McCracken.....	2,146	1,435	0	.....	.....
McCracken.....	2,099	1,403	10	.....	.....
McCracken.....	5,734	3,834	20	.....	.....
McCracken.....	5,364	3,356	20	.....	.....
McCracken.....	2,755	1,842	15	.....	.....
McCracken.....	752	503	4	.....	.....
McCracken.....	2,046	1,368	0	.....	.....
McCracken.....	1,830	1,589	5	.....	.....
McCracken.....	55	37	0	.....	.....
McCracken.....	4,203	2,810	15	.....	.....
McCracken.....	5,391	3,604	10	.....	.....
McCracken.....	1,362	1,044	5	.....	.....
McCracken.....	1,738	1,109	25	.....	.....
McCracken.....	2,633	1,700	5	.....	.....
McCracken.....	1,461	978	10	.....	.....
McCracken.....	1,463	47	0	.....	.....
McCracken.....	70	47	0	.....	.....
McCracken.....	2,130	1,428	5	.....	.....
McCracken.....	2,130	1,428	5	.....	.....
McCracken.....	211	141	6	.....	.....
McCracken.....	164	110	3	.....	.....
McCracken.....	641	429	10	.....	.....
McCracken.....	3,436	2,297	6	.....	.....
McCracken.....	5,109	3,416	10	.....	.....
McCracken.....	16,182	10,819	20	.....	.....
McCracken.....	1,416	1,047	5	.....	.....
McCracken.....	5,009	3,349	25	.....	.....
McCracken.....	15,001	10,029	50	.....	.....
McCracken.....	8,594	5,746	10	.....	.....
McCracken.....	1,912	1,278	10	.....	.....
McCracken.....	11,368	7,600	20	.....	.....
McCracken.....	4,832	3,230	10	.....	.....
McCracken.....	2,553	1,707	10	.....	.....
McCracken.....	1,485	993	15	.....	.....
McCracken.....	7,465	4,991	0	.....	.....
McCracken.....	1	1	0	.....	.....
McCracken.....	7	5	0	.....	.....
McCracken.....	3,580	2,393	0	.....	.....
McCracken.....	.....	299	.....	.....	.....
McCracken.....	319,125	213,954	897	.....	.....
Reserve new farms.....	.....	.....	.....	.....	.....
Reserve appeals and corrections.....	.....	.....	.....	.....	.....
Total.....	.....	.....	.....	.....	.....

MARYLAND

Allegany.....	1,551	1,037	10	.....	.....
Allegany.....	2,555	1,709	10	.....	.....
Allegany.....	9,150	6,121	30	.....	.....
Allegany.....	1,462	978	10	.....	.....
Allegany.....	17,649	11,806	75	.....	.....
Allegany.....	26,013	17,400	80	.....	.....
Allegany.....	12,611	8,436	50	.....	.....
Allegany.....	6,126	4,098	50	.....	.....
Allegany.....	10,076	6,753	50	.....	.....
Allegany.....	32,146	21,703	75	.....	.....
Allegany.....	5,815	3,902	20	.....	.....
Allegany.....	7,793	5,216	30	.....	.....
Allegany.....	15,338	10,265	60	.....	.....
Allegany.....	12,968	8,674	60	.....	.....
Allegany.....	4,473	2,994	5	.....	.....
Allegany.....	25,581	17,312	50	.....	.....
Allegany.....	8,010	5,358	25	.....	.....
Allegany.....	8,867	5,880	15	.....	.....
Allegany.....	23,825	15,804	50	.....	.....
Allegany.....	23,069	15,451	100	.....	.....

Wheat Acreage Apportioned to Counties for 1961—Continued

MINNESOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Mille Lacs.....	390	265	5	.....	.....
Morrison.....	1,318	883	5	.....	.....
Mower.....	666	446	5	.....	.....
Murray.....	259	174	5	.....	.....
Nicollet.....	2,767	1,854	20	.....	.....
Nobles.....	110	74	5	.....	.....
Norman.....	68,483	45,894	50	.....	.....
Olustee.....	1,257	842	5	.....	.....
Otter Tail.....	37,487	25,122	110	.....	.....
Pennington.....	13,965	9,359	20	.....	.....
Pine.....	182	88	5	.....	.....
Pipestone.....	84	56	3	.....	.....
Polk.....	190,787	127,857	116	.....	.....
Pope.....	6,518	4,393	25	.....	.....
Ramsey.....	16	11	5	.....	.....
Red Lake.....	12,788	8,569	20	.....	.....
Redwood.....	2,935	1,967	25	.....	.....
Renville.....	6,361	4,263	25	.....	.....
Rice.....	2,787	1,893	10	.....	.....
Rock.....	64	43	2	.....	.....
Roseau.....	38,160	25,573	50	.....	.....
St. Louis.....	312	209	10	.....	.....
Scott.....	2,533	1,698	10	.....	.....
Sherburne.....	1,112	745	2	.....	.....
Sibley.....	3,661	3,794	25	.....	.....
Stearns.....	3,909	2,918	25	.....	.....
Steele.....	11,328	7,394	50	.....	.....
Stevens.....	1,336	7,585	50	.....	.....
Swift.....	1,336	1,017	23	.....	.....
Todd.....	28,201	18,809	43	.....	.....
Wabasha.....	1,508	1,011	23	.....	.....
Wadena.....	1,431	1,011	23	.....	.....
Wadena.....	2,527	1,727	10	.....	.....
Washington.....	1,030	690	15	.....	.....
Watson.....	373	250	5	.....	.....
Wilkin.....	73,823	49,473	75	.....	.....
Winona.....	881	581	5	.....	.....
Wright.....	2,833	1,899	15	.....	.....
Yellow Medicine.....	5,879	3,940	15	.....	.....
Reserve new farms.....	.....	200	.....	.....	.....
Reserve appeals and corrections.....	.....	100	.....	.....	.....
Total.....	1,072,480	719,031	1,817	.....	.....

MISSISSIPPI

Adams.....	30	20	.....	.....	.....
Alcorn.....	91	61	.....	.....	.....
Attala.....	36	24	.....	.....	.....
Benton.....	61	41	.....	.....	.....
Bolivar.....	9,080	6,058	.....	.....	.....
Calhoun.....	7	5	.....	.....	.....
Carroll.....	262	175	.....	.....	.....
Chickasaw.....	66	44	.....	.....	.....
Chalborne.....	37	25	.....	.....	.....
Clay.....	216	144	.....	.....	.....
Coahoma.....	7,184	4,793	.....	.....	.....
Copiah.....	31	21	.....	.....	.....
Covington.....	53	35	.....	.....	.....
De Soto.....	4,437	2,981	.....	.....	.....
George.....	27	18	.....	.....	.....
Greene.....	3	2	.....	.....	.....
Hinds.....	21	14	.....	.....	.....
Holmes.....	147	98	.....	.....	.....
Humphreys.....	145	97	.....	.....	.....
Issaquena.....	2,513	1,677	.....	.....	.....
Itaubena.....	1,184	790	.....	.....	.....
Jackson.....	77	51	.....	.....	.....
Jefferson.....	73	49	.....	.....	.....
Jefferson Davis.....	22	15	.....	.....	.....

Wheat Acreage Apportioned to Counties for 1961—Continued

MICHIGAN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Oceana.....	4,973	3,331	25	.....	.....
Ogemaw.....	2,712	1,816	20	.....	.....
Ontonagon.....	100	67	5	.....	.....
Oscoda.....	4,911	3,289	25	.....	.....
Osego.....	177	119	1	.....	.....
Otsego.....	425	285	5	.....	.....
Ottawa.....	22,094	14,797	50	.....	.....
Presque Isle.....	92	62	2	.....	.....
Roscommon.....	61,335	41,079	200	.....	.....
Saginaw.....	41,042	27,488	100	.....	.....
St. Clair.....	32,797	21,966	100	.....	.....
St. Joseph.....	72,846	48,788	150	.....	.....
Sanilac.....	38	24	2	.....	.....
Schoolcraft.....	48,283	32,337	100	.....	.....
Shiawassee.....	64,807	43,404	125	.....	.....
Tuscola.....	16,803	11,254	75	.....	.....
Van Buren.....	38,803	25,988	75	.....	.....
Wayne.....	11,025	7,384	25	.....	.....
Wexford.....	1,119	750	.....	.....	.....
Reserve new farms.....	.....	250	.....	.....	.....
Reserve appeals and corrections.....	.....	958,637	5,229	.....	.....
Total.....	1,429,866	.....	.....	.....	.....

MINNESOTA

Albany.....	374	251	10	.....	.....
Anoka.....	215	144	5	.....	.....
Becker.....	23,474	15,497	25	.....	.....
Bemidji.....	1,361	911	10	.....	.....
Benton.....	1,211	811	2	.....	.....
Big Stone.....	16,563	11,101	50	.....	.....
Blue Earth.....	5,696	3,817	15	.....	.....
Burns.....	1,297	869	5	.....	.....
Carlton.....	1	1	0	.....	.....
Cass.....	1,191	798	5	.....	.....
Chippewa.....	63	42	5	.....	.....
Chicago.....	2,307	1,546	20	.....	.....
Clay.....	182	122	5	.....	.....
Clearwater.....	108,725	72,863	75	.....	.....
Cottonwood.....	5,071	3,398	12	.....	.....
Crow Wing.....	1,197	802	10	.....	.....
Dakota.....	90	60	2	.....	.....
Dodge.....	7,390	4,952	25	.....	.....
Douglas.....	419	281	5	.....	.....
Faribault.....	8,243	5,524	25	.....	.....
Fillmore.....	1,508	1,011	10	.....	.....
Freeborn.....	480	322	5	.....	.....
Goodhue.....	777	521	5	.....	.....
Grant.....	5,894	3,843	25	.....	.....
Hennepin.....	10,211	6,843	30	.....	.....
Houston.....	436	292	10	.....	.....
Hubbard.....	334	224	5	.....	.....
Isanti.....	720	483	4	.....	.....
Itasca.....	1,297	869	5	.....	.....
Jackson.....	227	152	5	.....	.....
Kanabec.....	360	241	10	.....	.....
Kandiyohi.....	86	58	5	.....	.....
Kittson.....	1,843	1,235	15	.....	.....
Koochiching.....	131,680	88,246	100	.....	.....
Lac qui Parle.....	1,621	1,086	15	.....	.....
Lake of the Woods.....	8,329	5,582	30	.....	.....
Le Sueur.....	6,113	4,097	25	.....	.....
Lincoln.....	6,291	4,216	20	.....	.....
Lyon.....	2,573	1,724	10	.....	.....
McLeod.....	2,567	1,720	10	.....	.....
Manitoulin.....	4,070	2,728	20	.....	.....
Marshall.....	15,845	10,619	30	.....	.....
Martin.....	144,420	96,784	190	.....	.....
Meeker.....	161	101	5	.....	.....
Meeker.....	3,135	2,101	25	.....	.....

RULES AND REGULATIONS

Wheat Acreage Apportioned to Counties for 1961—Continued

MISSOURI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Dent.....	3,284	2,186	10	---	---
Douglas.....	3,684	2,474	15	---	---
Dunklin.....	13,163	9,130	15	---	---
Franklin.....	25,497	19,774	50	---	---
Gasconade.....	16,609	11,774	15	---	---
Gentry.....	17,997	11,124	20	---	---
Greene.....	17,997	11,584	30	---	---
Groves.....	17,997	11,584	25	---	---
Harrison.....	17,841	11,814	25	---	---
Hickory.....	31,143	20,856	25	---	---
Holt.....	6,924	4,637	10	---	---
Howard.....	24,669	16,541	35	---	---
Howell.....	21,433	14,357	15	---	---
Iron.....	4,497	3,012	5	---	---
Jackson.....	20,655	13,833	25	---	---
Jasper.....	57,353	38,409	50	---	---
Jefferson.....	8,659	5,799	30	---	---
Johnson.....	24,780	16,595	20	---	---
Knox.....	14,111	9,450	15	---	---
Laclede.....	8,215	5,502	10	---	---
Ladayette.....	37,066	24,823	30	---	---
Lawrence.....	29,884	20,013	25	---	---
Lewis.....	25,730	17,231	15	---	---
Lincoln.....	30,330	20,312	20	---	---
Linn.....	12,648	8,470	15	---	---
Livingston.....	20,132	13,452	50	---	---
McDonald.....	6,237	3,507	15	---	---
Macon.....	15,510	10,357	25	---	---
Madison.....	2,668	1,787	8	---	---
Marion.....	8,652	5,794	10	---	---
Marion.....	25,001	16,743	20	---	---
Merger.....	6,461	4,327	50	---	---
Miller.....	10,518	7,044	10	---	---
Mississippi.....	20,749	13,895	6	---	---
Moniteau.....	16,888	11,109	25	---	---
Monroe.....	26,717	17,892	25	---	---
Montgomery.....	24,092	16,134	25	---	---
Morgan.....	11,527	7,720	10	---	---
New Madrid.....	26,975	18,065	20	---	---
Newton.....	27,146	18,180	10	---	---
Nodaway.....	16,878	11,303	25	---	---
Oregon.....	2,753	1,844	15	---	---
Ossage.....	15,591	10,441	15	---	---
Ozark.....	1,884	1,329	10	---	---
Pemiscot.....	3,262	3,524	20	---	---
Perry.....	23,020	15,416	25	---	---
Pettis.....	30,236	20,259	25	---	---
Pike.....	3,609	3,736	10	---	---
Pike.....	28,785	16,538	50	---	---
Pike.....	18,150	12,822	50	---	---
Pike.....	2,140	1,431	10	---	---
Pulaski.....	7,198	4,338	15	---	---
Pulaski.....	20,007	13,399	25	---	---
Ralls.....	15,097	10,680	25	---	---
Randolph.....	33,192	22,228	25	---	---
Ray.....	3,675	2,461	5	---	---
Reynolds.....	50,803	34,022	100	---	---
Ripley.....	24,809	16,614	20	---	---
St. Charles.....	4,009	2,685	15	---	---
St. Clair.....	25,178	16,862	20	---	---
St. Francois.....	7,469	5,002	30	---	---
St. Louis.....	44,634	29,891	15	---	---
St. Genevieve.....	2,307	1,545	10	---	---
Saline.....	30,094	20,154	10	---	---
Schuyler.....	7,954	5,327	15	---	---
Scotland.....	1,434	960	15	---	---
Scott.....	30,094	20,154	10	---	---
Shannon.....	24,201	16,207	20	---	---
Shelby.....	41,717	27,938	15	---	---
Stoddard.....	2,272	1,522	10	---	---
Stone.....	5,585	3,740	15	---	---
Sullivan.....	6,241	4,161	25	---	---
Taney.....	241	161	---	---	---

Wheat Acreage Apportioned to Counties for 1961—Continued

MISSISSIPPI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jones.....	11	7	---	3	2
Kemper.....	21	21	---	3	3
Lafayette.....	24	16	---	4	3
Lawrence.....	68	68	---	52	33
Leake.....	1,382	922	20	238	139
Leflore.....	1,111	740	---	108	132
Madison.....	1,204	851	---	48	32
Marshall.....	178	117	---	28	19
Monroe.....	128	85	---	15	5
Montgomery.....	31	21	---	4	3
Neshoba.....	7	5	---	3	2
Norfolk.....	198	132	---	12	8
Okfuskee.....	52	35	---	3	2
Panola.....	937	625	---	250	167
Perry.....	7	5	---	1	1
Pontotoc.....	402	283	---	189	126
Prentiss.....	1	1	---	3	2
Quitman.....	2,273	1,184	---	243	143
Sharkey.....	2,504	1,671	---	291	194
Simpson.....	12	8	---	---	---
Sunflower.....	2,704	1,804	---	309	206
Tallahatchie.....	3,834	2,553	20	920	614
Tate.....	1,284	2,159	---	124	83
Tippah.....	22	15	---	38	26
Tishomingo.....	135	90	---	1,724	1,150
Tunica.....	10,897	7,271	---	61	34
Union.....	108	72	---	7	5
Warren.....	55	37	---	692	462
Washington.....	3,616	2,413	---	9	6
Webster.....	62	41	---	1	1
Wilkinson.....	30	20	---	10	7
Yalobusha.....	38	25	---	932	622
Yazoo.....	4,561	3,043	20	---	---
Reserve new farms.....	---	3,200	---	---	---
Total.....	62,764	42,079	60	10,630	7,097

MISSOURI

Adair.....	8,885	5,930	20	---	---
Andrew.....	14,099	9,442	15	---	---
Atchison.....	17,049	11,418	25	---	---
Audrain.....	28,105	18,822	25	---	---
Barry.....	11,092	7,428	20	---	---
Barton.....	55,817	37,400	25	---	---
Benton.....	13,116	28,276	25	---	---
Berkeley.....	14,124	8,493	15	---	---
Bollinger.....	8,711	5,493	15	---	---
Bonne.....	20,175	13,753	25	---	---
Buchanan.....	20,175	13,753	20	---	---
Butler.....	14,034	9,398	15	---	---
Caldwell.....	17,597	11,785	25	---	---
Callaway.....	21,551	14,433	30	---	---
Cameron.....	1,914	1,282	15	---	---
Cape Girardeau.....	20,947	14,028	15	---	---
Carroll.....	55,140	36,927	35	---	---
Carter.....	664	445	5	---	---
Cass.....	25,303	16,945	10	---	---
Cedar.....	18,226	12,206	10	---	---
Chariton.....	36,598	24,509	35	---	---
Christian.....	8,314	5,568	15	---	---
Clark.....	15,256	10,217	25	---	---
Clay.....	13,076	10,096	25	---	---
Clinton.....	13,470	9,021	15	---	---
Cole.....	14,786	9,902	15	---	---
Cooper.....	27,191	18,210	25	---	---
Crawford.....	3,477	2,329	10	---	---
Dade.....	31,231	20,949	10	---	---
Dallas.....	6,930	4,641	12	---	---
Davies.....	26,721	17,895	30	---	---
De Kalb.....	16,531	11,071	25	---	---

Wheat Acreage Apportioned to Counties for 1961—Continued

MONTANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Wibaux.....	79,253	53,110	75		
Yellowstone.....	122,857	82,331	70		
Reserve new farms.....		1,300			
Reserve appeals and corrections.....		1,506			
Total.....	5,986,351	4,013,478	4,781		

NERRASKA

Adams.....	135,137	90,544	100		
Antelope.....	8,595	5,759	30		
Arthur.....	20	13	0		
Banner.....	79,018	52,943	30		
Blaine.....	6	4	0		
Boone.....	15,533	10,407	40		
Box Butte.....	141,151	94,573	125		
Boyd.....	2,284	1,530	14		
Brown.....	3,143	2,106	5		
Buffalo.....	64,574	43,467	50		
Burt.....	12,094	8,445	45		
Butler.....	69,570	46,814	80		
Cass.....	40,110	26,874	50		
Cedar.....	239	163	3		
Chase.....	110,272	73,889	75		
Cherry.....	1,775	1,175	6		
Cheyenne.....	236,242	158,736	200		
Clay.....	128,547	86,128	100		
Collins.....	27,911	18,701	50		
Cumby.....	2,148	1,439	25		
Custer.....	72,340	48,469	75		
Dakota.....	412	276	2		
Dawes.....	65,183	43,574	50		
Dawson.....	28,342	18,990	50		
Deuel.....	96,393	64,585	65		
Dillon.....	183	123	5		
Dodge.....	37,370	25,038	75		
Douglas.....	3,805	2,549	20		
Dundy.....	45,259	30,324	50		
Fillmore.....	126,543	84,785	150		
Franklin.....	67,244	45,054	50		
Frontier.....	82,051	54,975	50		
Furnas.....	91,083	61,027	20		
Gage.....	122,318	81,955	100		
Garden.....	61,084	40,927	50		
Garfield.....	258	173	1		
Gosper.....	46,098	30,886	50		
Greeley.....	15,589	10,445	75		
Hall.....	48,396	32,426	100		
Hamilton.....	89,977	60,286	125		
Harlan.....	80,380	53,856	50		
Hayes.....	63,100	42,278	75		
Hitchcock.....	103,742	69,509	100		
Holt.....	9,367	6,276	40		
Hooker.....	7	5	0		
Howard.....	38,522	25,810	50		
Jefferson.....	88,839	59,523	50		
Johnson.....	35,910	24,060	100		
Kearney.....	103,928	69,633	100		
Keith.....	101,938	68,300	100		
Keya Paha.....	1,573	1,054	3		
Kimball.....	192,438	128,936	65		
Knox.....	4,661	3,123	5		
Lancaster.....	105,693	70,816	150		
Lincoln.....	83,080	55,665	125		
Logan.....	10,337	6,925	5		
Loop.....	209	140	1		
McPherson.....	116	78	0		
Madison.....	7,489	5,018	25		
Merrick.....	35,007	23,455	50		

Wheat Acreage Apportioned to Counties for 1961—Continued

MISSOURI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Texas.....	10,267	6,876	10		
Vernon.....	48,609	31,214	10		
Warren.....	21,142	14,159	10		
Washington.....	2,336	1,564	5		
Wayne.....	2,670	1,788	10		
Webster.....	9,496	6,359	15		
Worth.....	6,920	4,634	10		
Wright.....	5,401	3,617	5		
Reserve new farms.....		1,000			
Reserve appeals and corrections.....		1,499			
Total.....	2,016,787	1,352,131	2,270	10	7

MONTANA

Beaverhead.....	14,064	9,425	25		
Big Horn.....	101,588	68,078	60		
Blaine.....	120,949	81,052	100		
Broadwater.....	38,686	25,925	25		
Carbon.....	45,025	30,173	15		
Carter.....	40,772	27,323	50		
Cascade.....	189,997	127,324	300		
Chouteau.....	500,596	333,441	500		
Custer.....	31,778	21,294	300		
Daniels.....	288,025	183,018	200		
Dawson.....	190,545	127,691	200		
Deer Lodge.....	137,762	82,800	50		
Fallon.....	230,643	153,892	100		
Fergus.....	96,142	64,732	25		
Gallatin.....	68,596	44,733	75		
Gardiner.....	63,677	42,672	75		
Glacier.....	74,333	49,813	100		
Golden Valley.....	27,215	18,238	40		
Groff.....	1,825	1,223	5		
Hill.....	452,891	303,499	250		
Jefferson.....	13,872	9,296	25		
Judith Basin.....	118,063	79,118	100		
Lake.....	29,389	19,095	75		
Lewis and Clark.....	22,808	15,284	25		
Liberty.....	238,692	159,956	150		
Lincoln.....	1,212	812	15		
McCone.....	244,380	163,768	200		
Madison.....	16,527	11,075	25		
Meagher.....	6,179	4,141	15		
Mineral.....	1,357	909	10		
Missoula.....	12,710	8,517	15		
Musselshell.....	25,295	16,951	25		
Park.....	34,051	22,819	30		
Petroleum.....	10,036	6,725	15		
Phillips.....	133,342	89,357	75		
Pondera.....	220,324	147,947	100		
Powder River.....	43,938	29,444	50		
Powell.....	7,589	5,086	15		
Prairie.....	62,877	35,435	50		
Ravalli.....	10,515	7,046	40		
Richland.....	205,262	137,554	250		
Roosevelt.....	376,322	252,187	150		
Sanders.....	36,681	24,548	50		
Sheridan.....	10,317	6,914	15		
Silver Bow.....	315,308	211,300	100		
Stillwater.....	105	70			
Sweet Grass.....	88,780	59,495	75		
Teton.....	17,065	11,436	30		
Toole.....	239,277	160,348	200		
Treasure.....	221,842	148,065	185		
Valley.....	8,880	6,951	15		
Wheatland.....	334,090	223,886	75		
Yellowstone.....	14,720	9,864	40		

RULES AND REGULATIONS

Wheat Acreage Apportioned to Counties for 1981—Continued

NEW MEXICO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Eddy.....	28	19	0		
Grant.....	195	130	0		
Guadalupe.....	133	92	0		
Harding.....	38,703	25,899	25		
Hidalgo.....	17	11	0		
Lea.....	1,282	858	1		
Lincoln.....	393	263	1		
McKinley.....	379	254	0		
Mora.....	2,522	1,658	5		
Otero.....	125	84	0		
Quay.....	185,951	124,552	100		
Rio Arriba.....	12,134	8,120	5		
Roosevelt.....	86,167	57,660	50		
Sandoval.....	1,684	1,127	4		
San Juan.....	1,299	869	15		
San Miguel.....	2,109	1,411	9		
Santa Fe.....	5,532	3,702	4		
Sierra.....	77	32	0		
Socorro.....	5,480	3,697	3		
Torrance.....	2,643	1,789	5		
Taos.....	27,176	18,135	50		
Union.....	12,467	8,553	10		
Valencia.....	6,768	4,529	15		
Reserve new farms.....		300			
Reserve appeals and corrections.....					
Total.....	709,732	475,831	413		

NEW YORK

Albany.....	2,836	1,928		
Allegany.....	6,039	4,034		
Broome.....	342	229		
Cattaraugus.....	2,085	1,395		
Cayuga.....	31,852	21,279		
Chautauque.....	4,515	3,016		
Chemung.....	3,457	2,329		
Chenango.....	1,134	757		
Clinton.....	29	19		
Columbia.....	2,939	1,963		
Cortland.....	1,035	692		
Delaware.....	154	103		
Dutchess.....	1,085	725		
Erie.....	17,864	11,834		
Essex.....	604	403		
Franklin.....	6	4		
Fulton.....	250	167		
Genesee.....	33,899	22,886		
Greene.....	2,017	1,348		
Herkimer.....	1,460	975		
Jefferson.....	3,797	2,536		
Lewis.....	109	73		
Livingston.....	43,994	29,370		
Madison.....	4,155	2,776		
Monroe.....	42,793	28,838		
Montgomery.....	2,972	1,985		
Nassau.....	494	310		
Niagara.....	30,383	20,136		
Oneida.....	15,389	10,254		
Ontario.....	42,577	28,572		
Orange.....	25,436	17,133		
Orleans.....	25,650	17,133		
Oswego.....	3,640	2,438		
Otsego.....	1,020	684		
Rensselaer.....	6	4		
Saratoga.....	2,344	1,566		
Schoharie.....	20	14		
St. Lawrence.....	272	182		
Schoenectady.....	1,502	1,001		
Schenectady.....	535	357		

Wheat Acreage Apportioned to Counties for 1981—Continued

NEBRASKA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Morrill.....	52,581	35,230	50		
Nance.....	31,901	21,374	53		
Nemaha.....	36,050	24,154	75		
Nuckolls.....	76,083	50,977	50		
Otoe.....	38,267	25,899	50		
Pawnee.....	23,676	15,863	40		
Perkins.....	197,166	132,104	100		
Phelps.....	82,756	55,448	75		
Pierce.....	2,195	1,471	8		
Platte.....	30,883	20,692	100		
Polk.....	52,475	35,159	150		
Red Willow.....	95,839	64,214	125		
Richardson.....	39,598	26,531	50		
Rock.....	65	44	1		
Saline.....	114,210	76,522	150		
Sarpy.....	6,254	4,190	20		
Saunders.....	49,034	32,833	50		
Scotts Bluff.....	24,644	16,512	25		
Seward.....	85,106	57,022	130		
Sheridan.....	83,343	55,841	60		
Sherman.....	23,473	15,727	40		
Stout.....	12,344	8,271	10		
Stanton.....	2,113	1,419	10		
Thayer.....	112,068	75,069	100		
Thomas.....	592	397	10		
Valley.....	24,400	16,348	35		
Washington.....	12,841	8,694	20		
Webster.....	67,429	45,287	2		
Wheeler.....	67,500	45,226	100		
York.....	79,819	53,486	100		
Reserve new farms.....		1,000			
Reserve appeals and corrections.....					
Total.....	4,722,620	3,166,224	5,165		

NEW JERSEY

Atlantic.....	12	8		
Burlington.....	4,801	3,266		
Camden.....	636	425		
Cape May.....	102	68		
Cumberland.....	1,413	944		
Gloucester.....	934	624		
Hunterdon.....	13,149	8,782		
Mercer.....	13,781	9,204		
Middlesex.....	9,789	6,537		
Monmouth.....	15,267	10,196		
Morris.....	1,001	669		
Ocean.....	350	234		
Passaic.....	2	1		
Salem.....	4,081	2,725		
Somerset.....	6,687	4,466		
Sussex.....	361	241		
Union.....	38	25		
Warren.....	4,252	2,840		
Reserve new farms.....		100		
Reserve appeals and corrections.....		99		
Total.....	76,746	51,454		

NEW MEXICO

Bernalillo.....	2,028	1,357	0	
Catron.....	373	230	0	
Chaves.....	81	59	1	
Colfax.....	12,882	8,627	10	
Curry.....	299,806	200,627	100	
De Baca.....	531	355	0	

Wheat Acreage Apportioned to Counties for 1961—Continued

NORTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Lenoir.....	1,632	1,113	2.0	.....	.....
Lincoln.....	15,109	10,118	15.0	.....	.....
McDowell.....	1,035	10,713	5.0	.....	.....
Macon.....	96	64	5.0	.....	.....
Madison.....	365	244	1.0	.....	.....
Martin.....	159	107	5.0	.....	.....
McKenzieburg.....	8,635	5,715	25.0	.....	.....
Mitchell.....	1	1	.....	.....	.....
Montgomery.....	3,832	2,566	5.0	.....	.....
Moore.....	6,005	4,021	14.0	.....	.....
Nash.....	4,694	3,143	6.0	.....	.....
New Hanover.....	88	59	5.0	.....	.....
Northampton.....	1,391	931	5.0	.....	.....
Onslow.....	141	95	1.5	.....	.....
Orange.....	4,724	3,153	20.0	.....	.....
Pamlico.....	535	338	.....	.....	.....
Pasquotank.....	785	526	5.0	.....	.....
Pender.....	1,001	670	10.0	.....	.....
Perquimans.....	388	280	5.0	.....	.....
Person.....	6,463	4,328	40.0	.....	.....
Pitt.....	1,045	700	4.0	.....	.....
Polk.....	1,152	771	15.0	.....	.....
Randolph.....	14,332	9,597	35.0	.....	.....
Robeson.....	5,404	3,619	5.0	.....	.....
Rockingham.....	7,361	4,929	25.0	.....	.....
Rowan.....	9,334	6,284	35.0	.....	.....
Rutherford.....	22,373	14,975	10.0	.....	.....
Sampson.....	7,905	5,026	10.0	.....	.....
Scotland.....	5,411	3,623	10.0	.....	.....
Stanly.....	2,016	1,350	10.0	.....	.....
Stokes.....	21,500	14,397	15.0	.....	.....
Swain.....	3,104	2,119	15.0	.....	.....
Surry.....	3,092	2,071	15.0	.....	.....
Tennessee.....	2	1	.....	.....	.....
Tennessee.....	37	23	.....	.....	.....
Tyrrell.....	370	248	.....	.....	.....
Union.....	17,604	12,049	20.0	.....	.....
Vance.....	7,606	5,115	10.0	.....	.....
Wake.....	7,636	5,115	10.0	.....	.....
Wacon.....	5,126	3,433	12.0	.....	.....
Washington.....	4,328	2,877	3.0	.....	.....
Wayne.....	117	78	3.0	.....	.....
Wilkes.....	3,959	2,631	15.0	.....	.....
Wilson.....	3,816	2,555	10.0	.....	.....
Yadkin.....	2,889	1,935	2.0	.....	.....
Yancey.....	7,975	5,340	15.0	.....	.....
Reserve new farms.....	7	5	.....	.....	.....
Reserve appeals and corrections.....	.....	250	.....	.....	.....
Total.....	436,890	292,908	1,043.0	.....	.....

NORTH DAKOTA

Adams.....	217,210	145,567	150	.....	.....
Barnes.....	266,807	178,805	250	.....	.....
Benson.....	282,241	189,148	470	.....	.....
Billings.....	54,634	36,614	45	.....	.....
Bottineau.....	373,491	250,301	500	.....	.....
Bowman.....	182,954	122,609	152	.....	.....
Burke.....	205,859	137,960	342	.....	.....
Burleigh.....	146,368	98,091	200	.....	.....
Cass.....	287,337	192,337	300	.....	.....
Cavalier.....	313,787	210,289	400	.....	.....
Dickey.....	103,771	69,544	100	.....	.....
Divide.....	264,580	177,812	440	.....	.....
Dunn.....	193,460	129,650	200	.....	.....
Eddy.....	84,471	56,610	144	.....	.....
Emmons.....	199,532	133,719	300	.....	.....
Foster.....	102,322	68,573	168	.....	.....
Golden Valley.....	112,376	75,310	93	.....	.....
Grand Forks.....	257,981	172,890	350	.....	.....

Wheat Acreage Apportioned to Counties for 1961—Continued

NEW YORK—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Schoharie.....	2,712	1,812	.....	.....	.....
Schuyler.....	8,530	5,698	.....	.....	.....
Seneca.....	26,036	17,333	.....	.....	.....
Steuben.....	20,653	13,797	.....	.....	.....
Suffolk.....	2,695	1,801	.....	.....	.....
Sullivan.....	57	38	.....	.....	.....
Tioga.....	2,768	1,850	.....	.....	.....
Tompkins.....	10,816	7,225	.....	.....	.....
Ulster.....	2,021	1,350	.....	.....	.....
Washington.....	2,980	1,655	.....	.....	.....
Wayne.....	25,560	17,075	.....	.....	.....
Westchester.....	74	49	.....	.....	.....
Wyoming.....	18,343	12,254	.....	.....	.....
Yates.....	20,340	13,583	.....	.....	.....
Reserve new farms.....	.....	1,050	.....	.....	.....
Reserve appeals and corrections.....	.....	321,829	.....	.....	.....
Total.....	480,028	.....	.....	.....	.....

NORTH CAROLINA

Alamance.....	10,355	6,934	30.0	.....	.....
Alexander.....	5,219	3,495	15.0	.....	.....
Alleghany.....	293	176	3.0	.....	.....
Anson.....	9,169	6,140	15.0	.....	.....
Ashe.....	56	37	2.0	.....	.....
Avery.....	24	16	.....	.....	.....
Beaufort.....	672	450	1.0	.....	.....
Bertie.....	56	37	1.5	.....	.....
Bladen.....	2,087	1,398	6.0	.....	.....
Brunswick.....	392	262	2.0	.....	.....
Buncombe.....	519	348	2.0	.....	.....
Burke.....	3,522	2,358	15.0	.....	.....
Cabarrus.....	11,746	7,866	25.0	.....	.....
Caldwell.....	2,304	1,543	6.0	.....	.....
Camden.....	230	154	5.0	.....	.....
Carteret.....	170	111	1.0	.....	.....
Caswell.....	18,182	12,500	20.0	.....	.....
Catawba.....	7,310	4,841	13.0	.....	.....
Chatham.....	87	56	20.0	.....	.....
Cherokee.....	68	44	.....	.....	.....
Chowan.....	53	36	.....	.....	.....
Cleveland.....	18,094	12,116	50.0	.....	.....
Columbus.....	1,427	952	5.0	.....	.....
Craven.....	895	595	3.0	.....	.....
Cumberland.....	8,960	6,000	10.0	.....	.....
Dartmouth.....	223	149	1.0	.....	.....
Davidson.....	13,170	8,823	25.0	.....	.....
Duplin.....	5,718	3,829	20.0	.....	.....
Durham.....	2,155	1,443	15.0	.....	.....
Edgecombe.....	1,898	1,271	40.0	.....	.....
Forsyth.....	1,600	1,071	5.0	.....	.....
Franklin.....	6,877	4,605	15.0	.....	.....
Gaston.....	5,237	3,507	6.0	.....	.....
Gates.....	9,842	6,591	15.0	.....	.....
Granville.....	3,552	2,356	4.0	.....	.....
Green.....	3,626	2,428	2.0	.....	.....
Guilford.....	6,678	4,554	5.0	.....	.....
Halifax.....	13,274	8,989	25.0	.....	.....
Harnett.....	2,817	1,886	10.0	.....	.....
Haywood.....	7,355	4,925	5.0	.....	.....
Henderson.....	83	56	.....	.....	.....
Hertford.....	279	187	2.0	.....	.....
Hoke.....	156	105	1.0	.....	.....
Hyde.....	3,953	2,647	10.0	.....	.....
Iredell.....	186	125	1.0	.....	.....
Jackson.....	22,720	15,214	70.0	.....	.....
Johnston.....	28	19	.....	.....	.....
Jones.....	6,863	4,596	25.0	.....	.....
Lee.....	305	204	3.0	.....	.....
Lee.....	2,989	2,002	10.0	.....	.....

[illegible]

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Grant.....	204,019	136,726	169	.....	.....
Griggs.....	99,730	66,836	160	.....	.....
Hettinger.....	294,906	197,636	350	.....	.....
Kidder.....	117,070	78,456	190	.....	.....
La Moure.....	196,857	131,927	300	.....	.....
Logan.....	148,210	90,325	249	.....	.....
McHenry.....	284,982	190,985	400	.....	.....
McIntosh.....	172,492	115,598	280	.....	.....
McKenzie.....	232,057	155,517	355	.....	.....
McLean.....	402,631	263,829	500	.....	.....
Mercer.....	145,467	97,457	240	.....	.....
Morton.....	225,506	151,126	300	.....	.....
Mountain.....	319,275	213,967	500	.....	.....
Nelson.....	172,532	115,625	250	.....	.....
Oliver.....	86,620	58,050	145	.....	.....
Pembina.....	253,916	170,168	400	.....	.....
Pierce.....	220,316	147,648	390	.....	.....
Ransom.....	288,151	193,109	380	.....	.....
Ray.....	97,724	65,491	81	.....	.....
Renelle.....	180,011	124,651	250	.....	.....
Richland.....	153,179	102,681	230	.....	.....
Rolette.....	125,472	84,651	200	.....	.....
Sargent.....	105,641	70,797	170	.....	.....
Sheridan.....	162,986	109,234	150	.....	.....
Siox.....	64,525	43,242	125	.....	.....
Slope.....	149,733	100,346	250	.....	.....
Stark.....	236,923	158,778	260	.....	.....
Steele.....	116,636	78,165	195	.....	.....
Stutsman.....	366,578	245,688	600	.....	.....
Towner.....	295,244	177,757	440	.....	.....
Trall.....	148,488	99,518	130	.....	.....
Walsh.....	275,030	184,316	350	.....	.....
Ward.....	387,222	259,503	400	.....	.....
Wells.....	252,198	169,014	420	.....	.....
Williams.....	396,178	265,505	400	.....	.....
Reserve new farms.....	.....	2,000	.....	.....	.....
Reserve appeals and corrections.....	.....	1,001	.....	.....	.....
Total.....	11,001,411	7,375,765	14,513	.....	.....
OHIO					.....
Adams.....	17,785	11,915	35	.....	.....
Allen.....	31,481	21,091	200	.....	.....
Ashland.....	28,593	19,156	160	.....	.....
Ashtabula.....	18,446	12,358	120	.....	.....
Athens.....	2,307	1,546	25	.....	.....
Baldwin.....	30,851	20,655	125	.....	.....
Belmont.....	3,785	2,470	80	.....	.....
Berlin.....	27,777	17,853	160	.....	.....
Butler.....	26,701	16,853	160	.....	.....
Carroll.....	10,297	6,899	50	.....	.....
Champaign.....	34,046	22,809	100	.....	.....
Clark.....	32,378	21,692	100	.....	.....
Clermont.....	12,943	8,671	50	.....	.....
Clinton.....	45,223	30,297	75	.....	.....
Columbiana.....	18,858	12,654	50	.....	.....
Coshocton.....	17,854	11,968	50	.....	.....
Crawford.....	34,770	23,294	100	.....	.....
Cuyahoga.....	17,671	11,635	35	.....	.....
Darke.....	46,206	30,956	200	.....	.....

Delaware.....	17,867	125
District of Columbia.....	26,646	80
Florida.....	20,985	100
Georgia.....	14,089	80
Idaho.....	46,713	80
Illinois.....	31,295	80
Indiana.....	33,688	100
Iowa.....	50,284	100
Kentucky.....	23,660	100
Louisiana.....	35,316	100
Maine.....	30,818	100
Maryland.....	24,063	100
Massachusetts.....	21,997	100
Michigan.....	5,981	45
Minnesota.....	7,190	95
Mississippi.....	4,797	25
Missouri.....	7,190	95
Montana.....	39,693	100
Nebraska.....	20,730	100
Nevada.....	55	100
New Hampshire.....	17,867	125
New Jersey.....	26,646	80
New Mexico.....	20,985	100
New York.....	14,089	80
North Carolina.....	46,713	80
North Dakota.....	31,295	80
Ohio.....	33,688	100
Oklahoma.....	50,284	100
Oregon.....	23,660	100
Pennsylvania.....	35,316	100
Rhode Island.....	30,818	100
South Carolina.....	24,063	100
South Dakota.....	21,997	100
Tennessee.....	5,981	45
Texas.....	7,190	95
Vermont.....	4,797	25
Virginia.....	7,190	95
Washington.....	39,693	100
West Virginia.....	20,730	100
Wisconsin.....	55	100
Wyoming.....	17,867	125

Wheat Acreage Apportioned to Counties for 1961—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Woods.....	299,661	174,051			
Woodward.....	153,738	103,051			
Reserve new farms.....		300			
Reserve appeals and corrections.....		703			
Total.....	7,263,588	4,869,786			

OREGON

Baker.....	23,295	15,694	150		
Benton.....	8,053	5,391	35		
Blackamas.....	10,981	7,351	20		
Columbia.....	332	222	5		
Crook.....	5,724	3,832	30		
Deschutes.....	2,081	1,393	15		
Douglas.....	1,557	1,042	20		
Gilliam.....	138,068	92,424	200		
Grant.....	2,979	1,994	15		
Harney.....	4,083	2,733	50		
Hood River.....	3	2	0		
Jackson.....	2,075	1,389	20		
Jefferson.....	41,815	27,991	600		
Josephine.....	199	133	10		
Klamath.....	17,332	11,468	100		
Lake.....	25,745	17,234	150		
Lane.....	7,506	5,025	100		
Linn.....	11,561	7,739	100		
Malheur.....	22,328	15,081	50		
Marion.....	27,425	18,339	100		
Morrow.....	177,587	118,308	200		
Multnomah.....	19,603	13,323	2		
Polk.....	145,100	97,131	140		
Sherman.....	302,915	202,771	200		
Union.....	55,276	35,690	1,000		
Walla Walla.....	37,197	24,900	20		
Wasco.....	99,033	66,294	100		
Washington.....	22,726	15,213	200		
Wheeler.....	9,294	6,222	50		
Yamhill.....	25,113	16,811	75		
Reserve new farms.....		743			
Reserve appeals and corrections.....					
Total.....	1,257,278	842,927	3,712		

PENNSYLVANIA

Adams.....	25,492	17,085	35		
Allegheny.....	3,895	2,611	10		
Armstrong.....	12,720	8,525	40		
Beaver.....	6,220	4,169	10		
Bedford.....	14,604	9,788	10		
Berks.....	40,004	26,812	50		
Blair.....	8,499	5,696	10		
Bradford.....	4,949	3,317	50		
Bucks.....	23,343	15,645	10		
Butler.....	15,724	10,539	20		
Cambria.....	7,429	4,979	25		
Cameron.....	32	21	0		
Carbon.....	4,021	2,695	10		
Centre.....	21,694	14,540	60		
Chester.....	18,829	12,620	25		
Clarion.....	11,769	7,888	25		
Clearfield.....	4,430	2,969	25		

Wheat Acreage Apportioned to Counties for 1961—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Bryan.....	5,733	3,876			
Caddo.....	135,297	90,690			
Canadian.....	205,354	137,649			
Carter.....	1,858	1,245			
Cherokee.....	1,858	1,245			
Choctaw.....	281,951	188,992			
Cimarron.....	13,399	8,981			
Cleveland.....	547	367			
Coal.....	83,174	55,792			
Comanche.....	155,786	104,423			
Cotton.....	25,913	17,369			
Creek.....	2,354	1,585			
Custer.....	241,197	161,674			
Delaware.....	10,382	6,959			
Dewey.....	166,003	111,272			
Ellis.....	175,678	117,757			
Garfield.....	406,304	272,346			
Garvin.....	10,828	7,258			
Grady.....	71,363	47,855			
Grant.....	410,291	275,018			
Greer.....	96,622	64,766			
Harmon.....	88,112	59,061			
Harper.....	196,340	131,607			
Haskell.....	2,516	1,686			
Hughes.....	769	515			
Jackson.....	196,684	131,837			
Jefferson.....	10,871	7,287			
Johnston.....	763	511			
Key.....	277,303	185,876			
Kingfisher.....	312,676	209,587			
Kiowa.....	276,598	183,404			
Latimer.....	140	93			
LeFlore.....	13,992	9,370			
Lincoln.....	105,835	70,672			
Logan.....	15,077	10,106			
Love.....	2,833	1,890			
McCain.....	2,833	1,890			
McClain.....	204,856	137,315			
McIntosh.....	1,233	826			
Major.....	13,007	8,719			
Marshall.....	2,981	1,981			
Mayes.....	13,760	9,223			
Murray.....	163,087	109,317			
Muskogee.....	15,375	10,307			
Noble.....	2,231	1,495			
Nowata.....	34,155	22,894			
Okfuskee.....	1,507	1,010			
Okmulgee.....	35,503	23,798			
Ottawa.....	32,735	21,982			
Payne.....	24,296	16,286			
Pawnee.....	28,353	19,005			
Pittsburg.....	1,827	1,225			
Pontotoc.....	1,112	745			
Pottawatomie.....	14,930	10,008			
Roger Mills.....	77,131	51,701			
Rogers.....	14,768	9,899			
Seminole.....	1,926	1,291			
Sequoyah.....	7,427	4,978			
Stephens.....	20,866	13,986			
Texas.....	588,600	394,539			
Tillman.....	243,704	163,355			
Tulsa.....	9,427	6,319			
Wagoner.....	17,099	11,461			
Washington.....	8,361	5,361			
Washita.....	238,007	159,536			

Wheat Acreage Apportioned to Counties for 1961—Continued

SOUTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Dillon.....	1,963	1,314	8		
Dorchester.....	227		2		
Edgefield.....	3,402	2,278	10		
Fairfield.....	952	3,633	5		
Florence.....	5,427	3,633	6		
Georgetown.....	236	158	2		
Greenville.....	10,727	7,182	30		
Greenwood.....	3,231	2,163	11		
Hampton.....	2,325	1,557	5		
Horry.....	1,037	1,694	5		
Jasper.....	32		0		
Kershaw.....	3,244	2,172	9		
Lancaster.....	2,021	1,353	6		
Laurens.....	10,607	7,101	10		
Lee.....	5,479	3,668	10		
Lexington.....	3,832	2,565	13		
McCormick.....	738	494	5		
Marion.....	610	408	6		
Marlboro.....	2,492	1,668	20		
Newberry.....	5,472	3,663	15		
Oconee.....	6,151	4,118	10		
Orangeburg.....	8,092	5,417	10		
Pickens.....	4,934	3,303	15		
Richland.....	5,084	3,404	10		
Saunders.....	4,307	2,883	10		
Spartanburg.....	19,657	13,160	35		
Sumter.....	6,459	4,324	10		
Union.....	2,070	1,386	10		
Williamsburg.....	1,223	819	2		
York.....	4,998	3,346	12		
Reserve new farms.....					
Reserve appeals and corrections.....					
Total.....	209,881	140,712	441		

SOUTH DAKOTA

Aurora.....	17,427	11,671	30		
Beadle.....	121,626	81,564	50		
Bennett.....	70,225	47,030	50		
Ben Hur.....	3,284	2,199	25		
Brookings.....	2,790	1,868	15		
Brown.....	279,013	186,856	200		
Brule.....	18,675	12,507	50		
Butte.....	7,843	5,252	20		
Butte.....	24,749	16,574	35		
Campbell.....	128,975	86,375	75		
Charles Mix.....	43,704	29,269	60		
Clark.....	95,354	63,859	100		
Clay.....	6,610	4,427	30		
Codington.....	43,828	29,352	50		
Corson.....	169,818	113,727	50		
Custer.....	2,435	1,631	15		
Davison.....	6,354	4,255	20		
Day.....	112,573	75,390	80		
Deuel.....	2,596	1,739	10		
Dewey.....	91,106	61,014	100		
Douglas.....	5,312	3,557	40		
Edmunds.....	189,545	126,939	125		
Fall River.....	24,533	16,044	15		
Faulk.....	125,725	84,194	100		
Grant.....	19,337	13,084	30		
Gregory.....	23,633	15,827	50		
Haakon.....	53,941	36,124	20		
Hamlin.....	11,084	7,423	40		
Hand.....	106,036	71,013	75		
Hanson.....	1,592	1,066	10		
Harding.....	61,758	41,359	25		
Hughes.....	69,514	46,554	100		
Hutchinson.....	8,060	5,398	25		
Hyde.....	30,726	20,577	50		
Jackson.....	21,273	14,247	30		

Wheat Acreage Apportioned to Counties for 1961—Continued

PENNSYLVANIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Clinton.....	6,372	4,271	25		
Columbia.....	21,659	14,516	30		
Crawford.....	12,865	8,622	25		
Cumberland.....	31,465	21,089	50		
Dauphin.....	16,674	11,175	50		
Delaware.....	675	452	10		
Elk.....	490	328	5		
Erie.....	12,741	8,539	25		
Fayette.....	5,773	3,869	25		
Forest.....	391	262	5		
Franklin.....	43,401	29,089	60		
Fulton.....	10,493	7,033	12		
Greene.....	1,990	1,334	25		
Huntingdon.....	12,130	8,130	10		
Indiana.....	14,793	9,915	50		
Jefferson.....	7,849	5,201	20		
Juniata.....	12,204	8,179	25		
Lackawanna.....	183	129	8		
Lancaster.....	67,279	45,092	40		
Lawrence.....	11,739	7,838	20		
Lebanon.....	18,063	12,106	30		
Lehigh.....	20,185	13,529	40		
Luzerne.....	5,839	3,913	10		
Lycoming.....	17,469	11,662	25		
McKean.....	199	133	5		
Mercer.....	14,529	9,738	20		
Monroe.....	10,652	7,139	15		
Mifflin.....	3,479	2,332	20		
Montgomery.....	18,090	10,087	20		
Monroe.....	6,345	4,263	10		
Northampton.....	13,454	8,997	20		
Northumberland.....	21,118	14,034	20		
Perry.....	16,779	11,246	18		
Philadelphia.....	501	335	12		
Pike.....	143	92	2		
Potter.....	1,143	766	20		
Schuylkill.....	13,684	9,158	20		
Snyder.....	14,533	9,740	22		
Soerenga.....	9,069	6,078	15		
Sullivan.....	403	270	12		
Susquehanna.....	437	293	15		
Tioga.....	2,868	1,922	10		
Union.....	12,324	8,260	25		
Vanango.....	4,564	3,069	5		
Warren.....	1,571	1,053	10		
Washington.....	9,430	6,320	10		
Wayne.....	97	65	3		
Westmoreland.....	15,784	10,579	35		
Wyoming.....	1,376	922	10		
York.....	60,289	40,407	150		
Reserve new farms.....		100			
Reserve appeals and corrections.....		77			
Total.....	829,037	555,818	1,520		

SOUTH CAROLINA

Abbeville.....	6,976	4,670	12		
Alcon.....	5,993	3,999	10		
Allendale.....	3,612	2,418	5		
Anderson.....	28,168	18,858	35		
Bamberg.....	2,570	1,721	5		
Barwell.....	2,297	1,538	5		
Berkeley.....	213	143	0		
Calhoun.....	8,404	5,626	10		
Charleston.....	208	139	0		
Cherokee.....	7,064	4,729	15		
Chester.....	2,382	1,595	5		
Chesterfield.....	3,706	2,481	10		
Clarendon.....	2,347	1,571	5		
Colleton.....	534	351	3		
Darlington.....	8,392	5,618	14		

Wheat Acreage Apportioned to Counties for 1961—Continued

TENNESSEE—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Hancock.....	1,504	1,007	15		
Hardeman.....	1,290	1,194	2		
Hardin.....	1,323	886	20		
Hawkins.....	7,364	4,933	60		
Haywood.....	107	298	0		
Henderson.....	107	72	2		
Henry.....	3,849	2,578	15		
Hickman.....	932	624	4		
Houston.....	580	556	5		
Humphreys.....	1,807	1,210	5		
Jackson.....	1,440	295	5		
Jefferson.....	7,954	5,328	20		
Johnson.....	1,010	677	3		
Knox.....	2,028	1,338	60		
Lake.....	713	478	5		
Lauderdale.....	330	221	6		
Lawrence.....	7,843	5,253	10		
Lewis.....	199	133	3		
Lincoln.....	6,718	4,500	6		
London.....	4,291	2,874	6		
Mc Minn.....	2,221	1,488	15		
Mc Nairy.....	46	31	2		
Macon.....	1,648	1,104	23		
Madison.....	406	272	3		
Marion.....	697	467	2		
Marshall.....	5,801	3,886	6		
Maugher.....	14,473	9,694	6		
Meigs.....	1,507	1,009	6		
Monroe.....	5,144	3,443	6		
Montgomery.....	9,435	6,383	19		
Moore.....	839	486	1		
Morgan.....	8,398	5,939	20		
Obion.....	2,993	1,535	12		
Overton.....	2,457	1,313	3		
Perry.....	968	648	15		
Pickett.....	785	526	15		
Polk.....	2,027	1,358	20		
Putnam.....	1,333	893	4		
Rhea.....	1,103	739	2		
Robertson.....	28,649	18,190	75		
Rutherford.....	6,035	4,042	0		
Sequistchle.....	3,338	2,226	0		
Sevier.....	4,730	3,156	60		
Shelby.....	631	356	5		
Smith.....	949	636	15		
Stewart.....	735	492	5		
Sullivan.....	3,772	2,527	15		
Sumner.....	7,200	4,823	75		
Tipton.....	1,415	948	5		
Trousdale.....	514	344	6		
Union.....	152	102	2		
Van Buren.....	543	364	20		
Warren.....	3,786	165	5		
Washington.....	6,014	4,028	15		
Wayne.....	1,022	685	30		
Weakley.....	5,415	3,627	4		
White.....	2,724	1,825	10		
Williamson.....	9,229	6,182	20		
Wilson.....	3,149	2,109	25		
Reserve new farms.....					
Reserve appeals and corrections.....					
Total.....	284,592	190,801	1,115		

TEXAS

Anderson.....	11	7	0		
Archer.....	44,896	30,090	10		
Armstrong.....	127,656	85,557	45		
Atascosa.....	395	265	1		

Wheat Acreage Apportioned to Counties for 1961—Continued

SOUTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jerard.....	32,222	21,579	25		
Jones.....	71,026	47,566	20		
Kingsbury.....	38,618	25,796	60		
Lake.....	8,943	5,632	10		
Lawrence.....	8,107	5,429	25		
Lincoln.....	8,341	5,228	10		
Lynan.....	133,123	89,153	50		
McCook.....	1,590	1,065	10		
McPherson.....	138,476	92,738	100		
Marshall.....	80,724	54,061	25		
Meade.....	85,121	57,006	50		
Mellette.....	41,419	27,738	75		
Miner.....	8,281	5,546	25		
Minnehaha.....	223	149	5		
Moody.....	338	226	2		
Pennington.....	69,092	46,271	100		
Perkins.....	211,712	141,754	100		
Potter.....	142,227	95,250	150		
Roberts.....	71,194	47,679	50		
Sauborn.....	7,113	4,764	10		
Shannon.....	29,896	20,021	15		
Spink.....	351,616	235,478	150		
Stanley.....	41,553	27,828	50		
Sully.....	160,320	107,367	100		
Todd.....	15,510	10,387	25		
Tripp.....	113,019	75,689	100		
Turner.....	1,202	805	20		
Union.....	13,672	9,156	35		
Walworth.....	126,904	84,988	50		
Washabaugh.....	22,965	15,112	30		
Yankton.....	2,739	1,834	30		
Ziebach.....	63,698	35,962	45		
Reserve new farms.....		1,991			
Reserve appeals and corrections.....		1,000			
Total.....	4,076,358	2,732,937	3,342		

TENNESSEE

Anderson.....	178	119	10		
Bedford.....	8,665	5,804	3		
Benton.....	1,119	750	5		
Blount.....	1,199	803	4		
Blocher.....	4,928	3,301	20		
Brodie.....	1,519	1,017	2		
Campbell.....	1,420	1,281	10		
Carroll.....	861	577	1		
Carter.....	1,602	1,073	10		
Cheatham.....	2,827	1,894	20		
Chester.....	2,166	1,111	3		
Chilborne.....	4,568	3,060	15		
Clay.....	1,007	675	6		
Cocke.....	3,122	2,091	10		
Coffee.....	4,740	3,175	1		
Crockett.....	353	236	10		
Cumberland.....	375	251	8		
Davidson.....	1,907	1,277	25		
Decatur.....	1,111	74	3		
De Kalb.....	1,630	1,062	9		
Dickson.....	2,088	1,399	10		
Dyer.....	3,223	2,159	15		
Fayette.....	42	28	0		
Fentress.....	575	386	10		
Franklin.....	9,704	6,500	6		
Gibson.....	2,314	1,550	12		
Giles.....	5,849	3,918	5		
Granger.....	2,853	1,911	5		
Greene.....	11,270	7,549	50		
Grundy.....	868	581	0		
Hamblen.....	5,711	3,825	8		
Hamilton.....	698	468	10		

RULES AND REGULATIONS

Wheat Acreage Apportioned to Counties for 1961—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Hill	3,080	2,064	8	0	0
Hockley	657	440	0	0	0
Hood	300	201	2	0	0
Hopkins	91	61	0	0	0
Houston	9	6	0	0	0
Howard	3,019	2,023	25	0	0
Hudspeth	16	11	0	0	0
Hunt	6,491	4,350	10	0	0
Hutchinson	97,447	65,310	50	0	0
Irion	69	46	0	0	0
Jack	5,763	3,862	10	0	0
Jackson	177	119	0	0	0
Johnson	3,023	2,026	10	0	0
Jones	86,695	58,104	13	0	0
Karnes	846	368	0	0	0
Kaufman	2,537	1,700	5	0	0
Kendall	2,677	1,794	2	0	0
Kent	7,950	5,328	2	0	0
Kerr	2,227	1,483	1	0	0
Killebrew	250	158	0	0	0
King	8,672	5,292	10	0	0
Knox	74,804	50,292	10	0	0
Lamb	8,970	2,698	5	0	0
Lamar	8,976	5,612	15	0	0
Lampasas	2,476	1,659	5	0	0
Leon	18	12	0	0	0
Limestone	51	34	0	0	0
Lipscomb	162,517	108,921	15	0	0
Llano	162	109	0	0	0
Lubbock	168	113	1	0	0
Lynn	6,116	4,099	6	0	0
McCulloch	1,613	1,081	5	0	0
McLennan	21,131	14,162	10	0	0
Martin	9,580	6,421	8	0	0
Mason	235	157	3	0	0
Maverick	97	65	0	0	0
Medina	191	128	0	0	0
Menard	425	285	1	0	0
Midland	1,602	1,074	1	0	0
Milam	1	1	0	0	0
Mills	229	153	1	0	0
Mitchell	3,649	2,446	3	0	0
Montague	10,297	6,901	10	0	0
Moore	3,842	2,575	10	0	0
Morris	211,141	141,510	35	0	0
Motley	77	52	0	110	74
Navarro	16,117	10,862	10	0	0
Nolan	728	488	5	0	0
Ochiltree	21,944	14,707	10	0	0
Oldham	365,147	244,727	100	0	0
Palo Pinto	88,612	59,322	50	0	0
Parker	4,112	2,756	13	0	0
Parmer	755	506	3	0	0
Potter	158,686	106,354	12	0	0
Presidio	49,486	33,166	10	0	0
Rains	20	13	0	0	0
Randall	17	11	0	0	0
Red River	197,553	132,389	25	113	76
Reeves	568	381	2	0	0
Robertson	30	20	0	0	0
Rockwall	44,237	29,048	25	0	0
Rodney	5,121	3,432	16	0	0
Russell	53,262	35,977	16	0	0
San Saba	3,431	2,203	1	0	0
Schleicher	1,638	1,084	1	0	0
Sevier	10,536	11,282	3	0	0
Shackelford	24,790	16,619	15	0	0
Sherman	266,507	177,917	17	0	0
Smith	108,108	72	1	0	0
Somervell	10,345	12,965	25	0	0
Starr	40,422	28,383	15	0	0
Stephens	32,493	21,777	15	0	0
Stone	179,647	120,492	15	0	0
Swisher	3,683	2,472	8	0	0
Tarrant	0	0	0	0	0

Wheat Acreage Apportioned to Counties for 1961—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Austin	5	3	0	0	0
Bailey	25,299	16,956	25	0	0
Bandera	77	52	1	0	0
Bastrop	35	23	0	0	0
Baylor	98,374	65,932	5	0	0
Bea	23	15	0	0	0
Bell	7,922	5,309	5	0	0
Bexar	2,206	1,478	4	0	0
Blanco	783	525	3	0	0
Borden	2,652	1,777	7	0	0
Bosque	6,509	3,692	10	0	0
Bowie	175	117	0	0	0
Brazos	12	8	0	0	0
Briscoe	76,764	51,448	20	0	0
Brown	23,011	16,763	12	0	0
Burnet	1,997	1,338	10	0	0
Caldwell	19	13	0	0	0
Callahan	29,075	19,486	5	0	0
Carson	227,637	152,966	30	0	0
Cass	184,300	126,454	50	0	0
Cherokee	8	5	0	0	0
Childress	66,281	44,422	10	0	0
Clay	45,211	30,301	16	0	0
Cochran	3,560	2,392	2	0	0
Coke	3,098	2,076	2	0	0
Coleman	37,756	25,305	25	0	0
Collins	62,720	42,036	20	0	0
Collingsworth	37,344	25,028	8	0	0
Comal	481	322	1	0	0
Comanche	2,823	1,892	10	0	0
Concho	35,137	23,449	10	0	0
Cooke	33,461	22,426	10	0	0
Coryell	12,955	8,683	10	0	0
Cottle	35,733	25,959	3	0	0
Crosby	52,303	35,054	26	0	0
Culberson	17	11	0	0	0
Dallam	100,249	67,188	50	0	0
Dallas	33,370	22,365	15	0	0
Dawson	1,375	922	20	0	0
Deaf Smith	262,952	186,341	50	0	0
Delta	1,434	961	5	0	0
Denton	48,905	32,777	15	0	0
De Witt	4	3	0	0	0
Dickens	35,019	23,470	30	0	0
Donley	25,003	16,757	3	0	0
Donley	7,818	5,240	15	0	0
Eastland	45	30	0	0	0
Edwards	15,231	10,208	16	0	0
Ellis	1,879	1,259	4	0	0
Erath	4	3	0	0	0
Falls	17,433	11,684	2	0	0
Fannin	42,991	28,813	10	0	0
Fisher	194,003	130,024	4	0	0
Floyd	102,298	68,662	21	0	0
Foard	18	12	8	0	0
Frio	2,761	1,890	0	43	29
Gaines	2,532	1,717	5	0	0
Gillespie	8,649	5,797	50	0	0
Glasscock	436	292	10	0	0
Gonzales	20	13	0	0	0
Grayson	127,808	85,956	5	0	0
Gregg	66,638	44,273	15	0	0
Guadalupe	94,444	63,293	13	0	0
Hale	19,466	13,440	18	0	0
Hall	6,735	4,511	20	0	0
Hamilton	334,547	224,218	10	0	0
Hansford	129,729	86,446	100	0	0
Harden	86,760	58,760	10	0	0
Harris	120,451	86,760	25	0	0
Hartley	74,065	49,639	10	0	0
Haskell	138	92	5	0	0
Hays	52,597	35,251	15	0	0
Hempill	69	46	0	0	0
Henderson	0	0	0	0	0

Wheat Acreage Apportioned to Counties for 1961—Continued
VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Appomattox.....	7,521	5,024			
Augusta.....	15,198	10,152			
Bath.....	8,729	5,831			
Bedford.....	1,528	1,021			
Bland.....	2,210	1,476			
Botetourt.....	4,957	3,312			
Brunswick.....	20	13			
Buchanan.....	6,359	4,248			
Buckingham.....	10,246	6,845			
Campbell.....	7,816	5,221			
Caroline.....	1,098	734			
Carroll.....	3,902	2,607			
Charles City.....	6,823	4,558			
Charlotte.....	1,913	1,278			
Chesterfield.....	4,831	3,227			
Clarke.....	815	531			
Craig.....	3,077	2,022			
Culpeper.....	4,894	3,236			
Danvers.....	3,485	2,328			
Dickinson.....	8,753	5,840			
Hanover.....	2,233	1,494			
Henrico.....	8,040	5,371			
Highland.....	2,182	1,458			
Fluvanna.....	2,726	1,854			
Franklin.....	7,232	4,831			
Frederick.....	5,905	4,006			
Giles.....	697	466			
Glover.....	982	656			
Gloucester.....	2,610	1,744			
Grayson.....	823	550			
Greene.....	1,848	1,235			
Greensville.....	312	208			
Halifax.....	12,076	8,067			
Hanover.....	9,714	6,489			
Henrico.....	2,445	1,634			
Henry.....	1,425	952			
Highland.....	330	254			
Isle of Wight.....	123	82			
James City.....	1,144	764			
King and Queen.....	3,964	2,648			
King George.....	3,550	2,372			
King William.....	3,750	2,505			
Lancaster.....	1,448	967			
Lee.....	2,630	1,757			
Loudoun.....	13,090	8,738			
Louis.....	5,343	3,569			
Lynchburg.....	3,855	2,575			
Madison.....	3,292	2,139			
Mathews.....	388	259			
Mecklenburg.....	9,251	6,180			
Middlesex.....	2,190	1,463			
Montgomery.....	1,882	1,257			
Nansemond.....	599	340			
Nelson.....	2,084	1,392			
New Kent.....	2,004	1,339			
Norfolk.....	2,351	1,571			
Northampton.....	170	114			
Northumberland.....	4,785	3,197			
Nottingham.....	3,186	2,128			
Orange.....	3,613	2,414			
Page.....	5,177	3,458			
Patrik.....	631	422			
Pittsylvania.....	20,976	13,812			
Powhatan.....	7,490	4,960			
Prince Edward.....	2,469	1,632			
Prince George.....	2,083	1,392			
Prince William.....	1,011	672			
Princess Anne.....	1,019	673			
Punaki.....	1,248	840			
Rappahannock.....	1,248	840			
Richmond.....	5,408	3,613			

Wheat Acreage Apportioned to Counties for 1961—Continued
TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Taylor.....	93,008	62,335	25		
Terry.....	15,744	10,552	10		
Throckmorton.....	48,500	32,505	5		
Titus.....	10	7	0		
Tom Green.....	3,058	2,050	6		
Travis.....	181	121	1		
Uvalde.....	322	216	1		
Van Zandt.....	295	198	1		
Victoria.....	11	7	0		
Walker.....	45	30	0		
Waller.....	81	54	0		
Wharton.....	33,510	22,439	10		
Wichita.....	84,307	56,394	25		
Wilbarger.....	129,286	86,049	25		
Williamson.....	1,922	1,258	5		
Wilson.....	6,408	4,272	2		
Wise.....	6,893	4,603	10		
Wood.....	3,632	2,434	11		
Yoakum.....	73,361	49,154	20		
Zavala.....	166	1,250	3		
Reserve new farms.....					
Reserve appeals and corrections.....					
Total.....	6,036,555	4,047,136	1,811	266	179

UTAH					
Beaver.....	2,769	1,852			
Box Elder.....	143,835	96,183			
Cache.....	49,019	32,779			
Carbon.....	2,026	1,355			
Daguerre.....	53	35			
Davis.....	5,125	3,427			
Duchesne.....	4,036	2,699			
Emery.....	4,211	2,816			
Garfield.....	1,934	1,293			
Grand.....	571	382			
Iron.....	9,182	6,140			
Junab.....	30,425	20,345			
Kane.....	1,388	928			
Kearns.....	42,137	28,177			
Millard.....	3,073	2,055			
Morgan.....	242	162			
Piute.....	5,302	3,545			
Rich.....	28,364	18,967			
Salt Lake.....	45,758	30,598			
San Juan.....	17,870	11,950			
Sanpete.....	4,057	2,713			
Sevier.....	1,733	1,159			
Tooele.....	10,460	6,965			
Uintah.....	5,085	3,400			
Utah.....	24,896	16,648			
Wasatch.....	378	253			
Washington.....	9,949	6,633			
Wayne.....	431	289			
Weber.....	3,977	2,659			
Reserve new farms.....					
Reserve appeals and corrections.....					
Total.....	458,289	307,254			

VIRGINIA					
Accomac.....	713	476			
Albemarle.....	2,333	1,562			
Alleghany.....	186	124			
Amelia.....	7,747	5,176			
Amherst.....	2,452	1,653			

Wheat Acreage Apportioned to Counties for 1961—Continued

WEST VIRGINIA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Barbour.....	236	189			
Berkeley.....	5,570	3,677	15		
Braxton.....	1				
Brooke.....	551	364	5		
Cabell.....	134	88			
Doddridge.....	1				
Fayette.....	141	93	5		
Grant.....	2,088	1,378	8		
Greenbrier.....	2,739	1,898	20		
Hampshire.....	3,191	2,107	10		
Hancock.....	592	391	10		
Hardy.....	2,952	1,949	15		
Harrison.....	26	17			
Jackson.....	353	233	1		
Jefferson.....	12,909	8,523	50		
Lewis.....	27	18			
Lincoln.....	8				
Marion.....	13	605			
Marshall.....	917				
Mason.....	2,530	1,670	13		
Mercer.....	648	728	3		
Mineral.....	1,201	793	3		
Monongalia.....	81	119			
Monroe.....	4,602	3,032	20		
Morgan.....	2,205	1,515	20		
Nichols.....	521	341	20		
Ohio.....	522	345	3		
Pendleton.....	3,261	2,153	20		
Pleasant.....	20	19			
Pocahontas.....	731	483	45		
Preston.....	1,740	1,155	15		
Putnam.....	635	419	5		
Raleigh.....	114	75			
Randolph.....	313	207			
Ritchie.....	21	14			
Roane.....	21	14			
Summers.....	565	373	5		
Taylor.....	92	61	5		
Tucker.....	56	37	3		
Tyler.....	74	49			
Upshur.....	163	108			
Wayne.....	35	23			
Webster.....	4	3			
Wetzel.....	51	34			
Wirt.....	62	41			
Wood.....	832	549	20		
Reserve new farms.....		150			
Reserve appeals and corrections.....		400			
Total.....	53,791	36,064	333		

WISCONSIN

Adams.....	424	283			
Ashland.....	39	26			
Barron.....	61	41			
Bayfield.....	286	197			
Brown.....	490	327			
Fu Isalo.....	946	631			
Burnett.....	106	71			
Calumet.....	943	629			
Chippewa.....	153	102			
Clark.....	345	230			
Columbia.....	2,950	1,953			
Crawford.....	118	118			
Dane.....	2,178	1,452			

Wheat Acreage Apportioned to Counties for 1961—Continued

VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Roanoke.....	1,664	1,112			
Rockbridge.....	5,042	3,368			
Rockingham.....	15,539	10,414			
Russell.....	3,098	2,070			
Scott.....	2,816	1,881			
Shenandoah.....	7,700	5,144			
Smyth.....	2,624	1,753			
Southampton.....	728	486			
Spotsylvania.....	2,906	1,941			
Stafford.....	1,774	1,185			
Surry.....	586	391			
Sussex.....	911	609			
Tazewell.....	2,405	1,607			
Warren.....	2,360	1,577			
Newport News.....	6	4			
Washington.....	6,662	4,451			
Westmoreland.....	8,829	5,893			
Wise.....	24	16			
Wythe.....	5,193	3,469			
York.....	322	200			
Reserve new farms.....		700			
Reserve appeals and corrections.....					
Total.....	376,105	252,155			

WASHINGTON

Adams.....	407,468	273,046	300		
Asotin.....	41,752	27,978	70		
Benton.....	155,930	104,530	150		
Chelan.....	6,782	4,545	15		
Clallam.....	6,118	79	4		
Clark.....	665	446	10		
Columbia.....	103,016	69,032	175		
Cowlitz.....	45	30	4		
Douglas.....	254,041	170,234	400		
Ferry.....	6,132	4,109	15		
Franklin.....	152,890	102,452	100		
Garfield.....	99,400	66,608	66		
Grant.....	197,388	132,271	600		
Grays Harbor.....	161	108			
Island.....	1,572	1,053	10		
Jefferson.....	74	50	7		
Kittitas.....	13,292	8,907	50		
Klickitat.....	83,626	56,038	150		
Lewis.....	4,418	2,961	10		
Lincoln.....	414,918	278,039	500		
Mason.....	8	5			
Okanogan.....	41,500	27,809	150		
Pend Oreille.....	1,411	945	3		
Pierce.....	32	21			
San Juan.....	137	92	10		
Skagit.....	1,442	966			
Spokane.....	169,234	113,405	500		
Stevens.....	28,500	19,098	100		
Thurston.....	720	482			
Walla Walla.....	264,400	177,176	300		
Whatcom.....	517,589	346,539	340		
Whitman.....	33,406	22,356	60		
Yakima.....		500			
Reserve new farms.....					
Reserve appeals and corrections.....					
Total.....	3,002,882	2,013,247	4,099		

Wheat Acreage Apportioned to Counties for 1961—Continued

WISCONSIN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Dodge.....	2,241	1,494			
Door.....	2,035	1,356			
Douglas.....	215	143			
Dunn.....	294	196			
Eau Claire.....	395	263			
Florence.....	19	13			
Fond du Lac.....	1,032	688			
Forest.....	64	43			
Grant.....	643	429			
Green.....	273	182			
Green Lake.....	1,024	683			
Iowa.....	509	339			
Iron.....	8	5			
Jackson.....	536	357			
Jefferson.....	1,354	903			
Juneau.....	321	214			
Kenosha.....	2,084	1,789			
Keweenaw.....	1,497	998			
La Crosse.....	355	237			
Lafayette.....	239	159			
Langlade.....	440	293			
Lincoln.....	135	90			
Manitowoc.....	1,248	832			
Marathon.....	951	634			
Marinette.....	427	285			
Marquette.....	926	617			
Milwaukee.....	1,631	1,087			
Monroe.....	285	190			
Oconto.....	616	411			
Oneida.....	146	97			
Outagamie.....	537	358			
Ozaukee.....	1,681	1,121			
Pepin.....	1,232	821			
Pierce.....	3,223	2,148			
Polk.....	412	275			
Portage.....	698	465			
Price.....	31	21			
Racine.....	7,704	5,134			
Richland.....	231	154			
Rock.....	2,785	1,856			
Rusk.....	6	4			
St. Croix.....	1,034	689			
Sauk.....	2,097	1,398			
Sawyer.....	4	3			
Shawano.....	570	380			
Sheboygan.....	1,135	757			
Taylor.....	93	62			
Trempealeau.....	942	628			
Vernon.....	111	74			
Vilas.....	2	1			
Walworth.....	1,829	1,219			
Washburn.....	44	29			
Washington.....	2,301	1,534			
Waukesha.....	2,635	1,756			
Waupaca.....	366	244			
Waushara.....	654	436			
Winnebago.....	1,004	669			
Wood.....	74	49			
Reserve new farms.....		50			
Reserve appeals and corrections.....		200			
Total.....	65,061	43,619			

WYOMING

Albany.....	282	189	0		
Big Horn.....	2,340	1,507	10		
Campbell.....	46,136	30,888	150		
Carbon.....	16,849	11,280	35		
Converse.....	8,550	5,724	10		
Crook.....	39,950	26,747	100		
Fremont.....	4,037	2,703	25		
Goshen.....	85,850	57,477	25		
Hot Springs.....	281	188	0		
Johnson.....	8,517	5,702	15		
Laramie.....	100,027	66,968	100		
Lincoln.....	5,766	3,860	5		
Natrona.....	421	282	6		
Niobrara.....	13,615	9,115	35		
Park.....	3,982	2,666	30	48	32
Platte.....	50,919	38,108	50		
Sheridan.....	18,782	12,575	50		
Sublette.....	10	7	0		
Sweetwater.....	17	11	0		
Teton.....	1,007	674	1		
Uinta.....	196	131	0		
Washakie.....	241	161	0		
Weston.....	13,107	8,775	8		
Reserve new farms.....		250			
Reserve appeals and corrections.....		150			
Total.....	426,882	286,198	655	48	32
Total commercial States.....	81,913,706	54,905,691		46,771	29,514
Total noncommercial States (not apportioned).....		39,309			
National reserve (not apportioned).....					25,486
Total U.S.....	81,913,706	54,945,000		46,771	55,000

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpretations or applies sec. 334, 52 Stat. 54, 67 Stat. 151; 7 U.S.C. 1334)

Done at Washington, D.C., this 24th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6045; Filed, July 1, 1960; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 204]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.504 Valencia Orange Regulation 204.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and informa-

tion concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 30, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., July 10, 1960, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 550,000 cartons;
- (iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 1, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6229; Filed, July 1, 1960; 11:40 a.m.]

[Peach Order 1]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 934.301 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934; 25 F.R. 4669), regulating the handling of fresh peaches grown in designated counties in Washington, effective May 27, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the

date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1960. A reasonable determination as to the supply of, and the demand for, peaches must await the development of the crop and adequate information thereon was not available to the Washington Fresh Peach Marketing Committee until June 16, 1960; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on June 16, 1960, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 24, 1960; shipments of the current crop of such peaches will begin on or about July 5, 1960, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., July 5, 1960, and ending at 12:01 a.m., P.s.t., November 1, 1960, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (5) of this paragraph:

(1) *Minimum grade requirement.* Such peaches shall grade at least U.S. No. 1, except:

(i) During the period beginning at 12:01 a.m., P.s.t., July 5, 1960, and ending at 12:01 a.m., P.s.t., July 26, 1960, such peaches may be shipped if they grade at least U.S. No. 2;

(ii) On and after July 26, 1960, such peaches of the J. H. Hale variety which are damaged but not seriously damaged by healed open seams and enlarged rough suture growth may be shipped if they otherwise grade at least U.S. No. 1; and

(iii) On and after July 26, 1960, such peaches of any variety which are damaged but not seriously damaged by enlarged rough suture growth may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Uniform firmness requirement.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(3) *Minimum size requirements.* Such peaches shall measure at least 2 3/8 inches in diameter: *Provided,* That not more than 10 percent, by count, of the peaches in any lot may be smaller than such minimum size.

(4) *Pack requirements.* Such peaches in loose or jumble packs shall be in

wooden containers of a capacity equal to or greater than that of the Western lugs (boxes with inside dimensions of 7 inches by 11 1/2 inches by 18 inches) and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of the J. H. Hale variety shall contain not less than 24 pounds of such peaches.

(5) Notwithstanding any other provision of this regulation, any individual shipment of peaches which, in the aggregate, does not exceed 300 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 934.41 and 934.55.

(6) The terms "U.S. No. 1," "U.S. No. 2," and "diameter" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 30, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6186; Filed, July 1, 1960; 9:18 a.m.]

[Lemon Reg. 853]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.960 Lemon Regulation 853.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy

of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 28, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 3, 1960, and ending at 12:01 a.m., P.s.t., July 10, 1960, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 372,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 30, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-6185; Filed, July 1, 1960; 9:18 a.m.]

[Milk Order 961]

PART 961—MILK IN PHILADELPHIA, PA., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area (7 CFR Part 961), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act, for the months of July, August and September 1960:

(1) The provisions of § 961.22(j) (2) except "The 15th day of the month * * * the Class I price * * *;" and;

(2) The provisions of § 961.50(a), except "* * * the price per hundredweight

of Class I milk shall be * * *" and the price "\$5.69" in the Class I price schedule.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order was requested by a cooperative association representing a substantial proportion of all producers on the market.

(4) This suspension action will prevent a supply-demand adjustment contrary to the conclusions of the recommended decision issued by the Deputy Administrator March 29, 1960, based upon the record of a hearing held October 22-23, 1959, pursuant to notice issued October 2, 1959 (24 F.R. 8117) and reopened pursuant to notice issued November 5, 1959 (24 F.R. 9166).

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That effective upon issuance of this suspension order the aforesaid provisions of the order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area are hereby suspended for the months of July, August, and September 1960.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 29th day of June 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-6131; Filed, July 1, 1960; 8:48 a.m.]

[992.315]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 992.1 through 992.78, inclusive, of the order. The State of Washington Potato Committee, pursuant to § 992.47 of the order, has recommended that regulations limiting the handling of 1960 crop potatoes should be issued. The recommendations of said committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure,

and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 992.315 Limitation of shipments.

During the period from July 5, 1960, through June 30, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements—*

(1) *Grade.* All varieties, U.S. No. 2, or better grade.

(2) *Size—*(i) *Round varieties.* 1 1/8 inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties, at least "fairly clean."

(b) *Minimum maturity requirements—* All varieties. "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) shall not be applicable to shipments of potatoes for any of the following purposes:

- (1) Certified seed;
- (2) Livestock feed;
- (3) Charity;
- (4) Starch;
- (5) Canning or freezing;
- (6) Dehydration;
- (7) Export;
- (8) Potato chipping; or
- (9) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning or freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Have such shipments inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to each Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment;

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment over 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 2," "fairly clean," and "moderately skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated June 29, 1960, to become effective July 5, 1960.

FLOYD F. HEDLUND,
Acting Director,

Fruit and Vegetable Division.

[F.R. Doc. 60-6155; Filed, July 1, 1960;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency [Reg. Doc. 38; Civil Air Regs. Amdt. 45-5]

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

Postponement of Effective Date of Civil Air Regulations

Part 45 of the Civil Air Regulations presently contains provisions which are applicable to commercial operators con-

ducting operations with small aircraft. Civil Air Regulations Amendment 45-2 (24 F.R. 90), adopted by the Civil Aeronautics Board concurrently with a new Part 47, made such operators subject to the provisions of the new part. Subsequently, by Amendments 45-3 and 45-4, the effective date of Amendment 45-2 was postponed by the Federal Aviation Agency until July 1, 1960. This action was taken by the Agency to permit the revision of Part 47.

The Federal Aviation Agency has now completed a proposed revision of Part 47 to be published as a notice of rule making on or about July 1, 1960. Since the time required for completion of the rule making for the revised Part 47 cannot be estimated precisely, the effective date of the present part is being postponed indefinitely. Accordingly, the effective date of Civil Air Regulations Amendment 45-2, as amended, must also be postponed indefinitely. This action will continue the operation of small aircraft by commercial operators under the presently effective small aircraft rules of Part 42 of the Civil Air Regulations.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Civil Air Regulations Amendment 45-2 (24 F.R. 90), as amended, is hereby further amended and postponed indefinitely.

This amendment shall become effective on July 1, 1960.

(Sec. 313(a), 601, 72 Stat. 752, 775; 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on June 29, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6159; Filed, July 1, 1960;
8:51 a.m.]

[Reg. Doc. 37; Civil Air Regs. Amdt. 47-3]

PART 47—AIR TAXI CERTIFICATION AND OPERATION RULES AND RULES GOVERNING OTHER SMALL AIRCRAFT COMMERCIAL OPERA- TIONS

Postponement of Effective Date of Part

Part 47 of the Civil Air Regulations was initially adopted by the Civil Aeronautics Board on December 30, 1958, with an effective date of July 1, 1959 (24 F.R. 91). Subsequently, by Amendments 47-1 (24 F.R. 5289) and 47-2 (24 F.R. 10192), the effective date of Part 47 was postponed by the Federal Aviation Agency until July 1, 1960. This action was taken by the Agency so that a proposed revision of Part 47, correcting certain deficiencies in the scope and substance of that part, could be prepared and published as a notice of proposed rule making.

The Federal Aviation Agency has now completed a proposed revision of Part 47 which it will publish as a notice of rule making on or about July 1, 1960. Since the time required for completion of the

rule making proceeding for the revised Part 47 cannot be estimated precisely, it has been determined that the effective date of the present part should be postponed indefinitely.

Accordingly, the effective date of Part 47 is being postponed indefinitely by this amendment. Until such time as the Federal Aviation Agency adopts and makes effective a revised and superseding Part 47, Part 42 of the Civil Air Regulations will continue to be applicable to all air taxi operators, commercial operators using small aircraft, and air carriers permitted to conduct aircraft operations in accordance with Part 42.

Since this regulatory action imposes no additional burden upon any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective on less than 30 days' notice.

In consideration of the foregoing, the effective date of Part 47 of the Civil Air Regulations (24 F.R. 91), as amended, is hereby further amended and postponed indefinitely.

This amendment shall become effective on July 1, 1960.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on June 29, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-6160; Filed, July 1, 1960;
8:51 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-307]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFI- CATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

Notice of Nonstop Service; Persons To Be Served

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1960.

Section 203.7(e) of Part 203 of the Board's Economic Regulations provides that in the case of a Notice of Nonstop Service in Foreign Air Transportation or Notice of Nonstop Service Required by Foreign Country such notice must be served by the holder of a certificate of public convenience and necessity upon "each scheduled air carrier which regularly renders service to or from any point (not located in the continental United States) named in such certificate or located in a general area the holder is authorized by such certificate to serve."

The Board feels that this section, as presently constituted, is unnecessarily burdensome and accomplishes no useful purpose insofar as it requires service of such notices upon carriers who have a point or area in common with the "holder" but have no interest whatsoever in the points or area with which the notice is concerned. The clerical burden imposed by the present regulation is placed upon not only the sending car-

rier, which must prepare additional copies of the notice, address envelopes and arrange for registered mail, but also upon the receiving carriers which must process said notice within their own administrative structure.

This amendment will require service of said notice only upon those air carriers which operate in the general area covered by the notice. While this leaves a margin of discretion to the carrier proposing the nonstop, the Board, under § 203.7(g), retains the power to require the carrier to serve such additional carriers as the Board may designate in a particular case.

In view of the fact that service of applications and notices under this part could be accomplished as well and at less expense by certified mail in comparison with registered mail, this amendment inserts, in § 203.8, the use of certified mail as an approved means of filing and serving papers under this part. The amendment would merely authorize the use of certified mail as an additional or alternative method for service. Registered mail could continue to be used at the carrier's discretion.

Inasmuch as the amendments effectuated by this revision will serve to liberalize the present provisions, the Board finds that notice and public procedure hereon are not necessary and that these amendments may be made effective immediately upon publication in the FEDERAL REGISTER.

Accordingly, the Civil Aeronautics Board hereby amends §§ 203.7(e) and 203.8 of the Board's Economic Regulations (14 CFR Part 203) effective July 2, 1960, as follows:

1. By amending § 203.7(e) to read as follows:

§ 203.7 Persons upon whom notice must be served.

(e) In the case of a Notice of Nonstop Service in Foreign Air Transportation or Notice of Nonstop Service Required by Foreign Country, all scheduled air carriers operating in the general area affected by the nonstop notice.

§ 203.8 [Amendment]

2. By amending § 203.8 by inserting the phrase "or certified" immediately following the word "registered" wherever it may appear in the section.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-6145; Filed, July 1, 1960; 8:49 a.m.]

[Reg. No. ER-306]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of June 1960.

No. 129—5

A notice of proposed rule making was published in the FEDERAL REGISTER on February 26, 1959 (24 F.R. 1424) and circulated to the industry as Economic Regulations Draft Release 107. The proposal was essentially an amendment of Part 244 so as to provide for more uniform and detailed reporting by forwarders of their revenues and expenses and the freight handled by them.

The notice proposed the reporting of revenues and expenses separately itemized as between freight forwarding and other activities (Statement of Profit and Loss, Schedule P). It also proposed the filing of certain data with respect to the freight handled by the forwarder (Operating Statistics, Schedule T-1), freight handled by the forwarder at each of its air stations (Station Data, Schedule T-2), and air freight of the forwarder routed between such stations (Origin-Destination Sample of Forwarder Shipments, Schedule T-3).

Comments have been received on the aforementioned notice and have been duly considered, in conjunction with industry data presently available, in promulgating the regulation here adopted. Changes from the reporting requirements as proposed in the notice will alleviate the reporting burden as much as is consistent with the Board's need for information.

With respect to the statement of profit and loss (Schedule P), the rule here adopted merely requires certain allocations of revenues and expenses to the various types of operations undertaken by the forwarder on a reasonable basis to be determined and explained by each forwarder and, in contrast to the draft release, requires less specification with respect to revenues and expenses attributable to accessorial services and non-air activities.

The report of operating statistics (Schedule T-1) as proposed in the draft release required information pertaining to air and surface shipments. To reduce the burden claimed in the comments received on the proposed rule, information on surface shipments will not be required and this report shall only be filed by freight forwarders whose gross air freight forwarding revenues exceed \$50,000 for the 12-month period ending on the same date as the semi-annual period covered by the particular report to be filed.

The report on station data (Schedule T-2) proposed under the draft release would require showing for each originating air station the number and tonnage of consignments to direct air carriers in common carriage and the number of shipments received from shippers included in such consignments. This final rule lessens the reporting burden to the extent deemed possible by requiring this schedule to be filed only by forwarders whose gross annual air freight forwarder revenues exceed \$50,000. The schedule has also been refined to facilitate obtaining the required data from forwarders' records.

With respect to the report on traffic flow data (Schedule T-3) the draft release version proposed reporting of the origin and destination of freight moving between all stations by means of a

twenty percent continuous sample. The number and weight of the consignments involved was also to be reported. To lessen such burden as might be entailed on reporting carriers and yet provide data on the major routings of freight between pairs of points the regulation here adopted merely requires that forwarders list their ten most active pairs of air stations based upon the total weight of their consolidations transported one-way between such stations and the total weight of such consolidations.

For purposes of convenience to the reporting carriers, the entire Part 244 is hereby reissued. The provisions of Part 244 as previously adopted on February 19, 1959 shall apply to the regular semi-annual reports due by August 14, 1960. The new substantive requirements will first apply to the financial and operating reports due by February 14, 1961, which will cover the reporting period July 1 to December 31, 1960. Since there is decided need for the aforementioned information to be filed by February 14, 1961, the Board finds that the public interest requires that this regulation be made effective on less than 30 days' notice and that good cause exists for making this regulation effective on July 1, 1960.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby reissues Part 244 of the Economic Regulations (14 CFR Ch. II) effective July 1, 1960 to read as follows:

Subpart A—General

Sec.	Definitions.
244.1	Applicability.
244.2	Extension of filing time.
244.3	Waiver.
244.4	Separability.

Subpart B—Financial, Operating, and Insurance Reports by Freight Forwarders

244.10	General.
244.11	Report certification.
244.12	Balance sheet (Schedule B).
244.13	Statement of profit and loss (Schedule P).
244.14	Operating statistics (Schedule T-1).
244.15	Station data (Schedule T-2).
244.16	Traffic flow data (Schedule T-3).
244.17	General officers and directors, list of stockholders (Schedule G-1).
244.18	Corporate and securities data, investments in other companies (Schedule G-2).
244.19	Statement of insurance coverage (Schedule I).

Subpart C—Annual Reports by Cooperative Shippers Associations

244.20	Annual report.
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Subpart D—Effective Date

244.30	Filing of reports.
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AUTHORITY: §§ 244.1 to 244.30 inclusive, issued under sec. 204(a); 72 Stat. 743, 49 U.S.C. 1324. Interprets or applies sec. 407, 72 Stat. 766, 49 U.S.C. 1377.

Subpart A—General

§ 244.1 Definitions.

For the purposes of this part:

"Air Freight Forwarding Operations" means the operations of the reporting forwarder conducted under its own air waybills (or other documents serving the same purpose)—and not its operations as an agent of a shipper or of a direct air carrier.

"Consolidation" means air freight, handled in the air freight forwarding operations of the forwarder, which is tendered to a direct air carrier (or other freight forwarder in the case of joint loading) where the reporting forwarder is consignor and consignee.

"Cooperative Shippers Association" means any indirect air carrier classified and defined as such in Part 296 of this chapter.

"Domestic" shall apply to operations between or within any of the states of the United States and the District of Columbia.

"Freight Forwarder" means any indirect air carrier classified and defined as an "Air Freight Forwarder" in Part 296 of this chapter or as an "International Air Freight Forwarder" in Part 297 of this chapter.

"Overseas/Foreign" shall apply to all operations other than Domestic; including but not limited to overseas operations between a place in a State, or the District of Columbia and any place in a territory or possession of the United States, or between a place in a territory or possession of the United States, and a place in any other territory or possession of the United States and foreign operations between a place in the United States and any place outside thereof.

"Originating Air Station" means any air station at which the reporting forwarder receives shipments as a freight forwarder by air and tenders them to direct air carriers at such station whether such activity is undertaken directly by the reporting forwarder or through an agent.

"Shipment" means (1) a single consignment of one or more pieces, from one shipper, at one time, at one address, receipted for in one lot, and moving on one air waybill to one consignee at one destination address (with respect to Schedule T-1, Item 9 and Schedule T-2) or (2) air freight which the reporting carrier does not handle in its air freight forwarding operations (with respect to Schedule T-1, Items 10-12).

§ 244.2 Applicability.

(a) Every freight forwarder holding effective authority from the Board shall periodically prepare and file the financial, operating and insurance report entitled "Report of Air Freight Forwarders and International Air Freight Forwarders," (CAB Form 244) as provided in this part whether or not such forwarder is actively engaged in air freight forwarding operations.¹

(b) Each cooperative shippers association shall annually file with the Board the financial and operating report, entitled "Annual Report of Cooperative Shippers Associations", (CAB Form

244A) hereinafter described. Each such association shall file this report regardless of whether it is inactive during the report period and where items are not applicable the word "none" should be inserted.

§ 244.3 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give good and sufficient reason to justify granting the extension, must set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the indirect air carrier of the action taken. Except in cases of emergency no such request will be entertained which is not received in sufficient time to enable the Civil Aeronautics Board to pass thereon before the prescribed due date. If a request is denied, the indirect air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

§ 244.4 Waiver.

A waiver of any provision of this regulation may be granted by the Board upon its own initiative or upon the submission by an indirect air carrier of a written request therefor, provided that such a waiver is in the public interest and it appears to the Board that temporary or particular conditions warrant a departure from the provisions set forth herein.

§ 244.5 Separability.

If any provision of this part or the application thereof to any indirect air carrier or circumstance is held invalid, the remainder of this part and the application of such provision to other indirect air carriers or circumstances shall not be affected thereby.

Subpart B—Financial, Operating and Insurance Reports by Freight Forwarders

§ 244.10 General.

(a) Each freight forwarder shall prepare and file, in duplicate, CAB Form 244² entitled "Report of Air Freight Forwarders and International Air Freight Forwarders", in accordance with the requirements of this part and the instructions set forth in such form which is incorporated herein and annexed hereto.

(b) The aforesaid report consists of a statement of certification and individual schedules to be filed therewith at various specified times. These schedules are identified as follows:

(1) Schedule B, Balance Sheet; P, Statement of Profit and Loss; T-1, Operating Statistics; T-2, Station Data; and T-3, Traffic Flow Data; all to be filed semi-annually.

² CAB Form 244, filed as part of original document, may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

(2) Schedule G-1, General Officers and Directors, List of Stockholders; and G-2, Corporate and Securities Data; Investments in Other Companies; both to be filed annually.

(3) Schedule I, Statement of Insurance Coverage; to be filed semi-annually and after any change in the data reported.

(c) The aforesaid schedules and certification shall be filed so as to be received by the Civil Aeronautics Board within forty-five (45) days after the termination of each prescribed semi-annual and annual period and, with respect to Schedule I, also within thirty (30) days after a change relative to insurance data previously reported. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The reports shall be addressed to the Board, attention of the Office of Carrier Accounts and Statistics.

§ 244.11 Report certification.

Each filing of CAB Form 244 schedules shall be accompanied by a signed statement by the official in charge of the carrier's accounts certifying that all schedules and supporting documents submitted therewith or previously thereto as parts of the particular report were prepared by him or under his direction, that he has carefully examined them and that they correctly reflect the accounts and records of the carrier and are complete and accurate to the best of his knowledge and belief. The statement of certification appears on the face sheet of the report form and shall apply to all CAB Form 244 schedules and documents filed therewith. The original of the certification shall be accompanied by a conformed copy thereof.

§ 244.12 Balance sheet (Schedule B).

(a) The balance sheet, which is designated as Schedule B of CAB Form 244, shall be prepared as of June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule B shall reflect the balances of all the assets and the liabilities and capital of the reporting forwarder. Assets shall be subdivided into current assets, property and equipment, and other assets. Liabilities shall be subdivided into current liabilities, long-term debt, and other liabilities. All the aforesaid categories shall be further subdivided into their principal components as shown by Schedule B and the instructions thereon.

§ 244.13 Statement of profit and loss (Schedule P).

(a) The statement of profit and loss, which is designated as Schedule P of CAB Form 244, shall be prepared for each semi-annual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule P shall reflect the revenues and expenses of the reporting forwarder with separation as between domestic and overseas/foreign operations if both are engaged in. Both revenues and expenses shall be divided as between

¹ See § 244.30 for provisions respecting certain reports for the semiannual period ending June 30, 1960; and Statements of Insurance Coverage to be filed after June 30, 1960.

those derived from air freight forwarding and those from other operations, and further subdivided into their principal components as shown by Schedule P and the instructions thereon.

§ 244.14 Operating statistics (Schedule T-1).

(a) The schedule of operating statistics, which is designated as Schedule T-1 of CAB Form 244, shall be prepared for each semi-annual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule T-1 shall be prepared and filed only by freight forwarders whose gross air freight forwarding revenues (item 4 of Schedule P) exceed \$50,000 for the 12-month period ending on the same date as the semi-annual period covered by the particular report.

(c) Schedule T-1 shall cover where applicable both domestic and overseas/foreign air operations. With respect to air freight forwarding operations of the forwarder, the schedule shall reflect the number and weight of (1) all consolidations tendered by the freight forwarder to each class of direct air carrier for transportation by charter and otherwise, (2) all consolidations tendered under joint loading arrangements, and (3) all shipments received from shippers for forwarding. With respect to other air operations by the forwarder, the schedule shall reflect the number and weight of all shipments tendered by the reporting carrier to direct air carriers in a capacity other than as a freight forwarder (air cargo sales agent, shipper's agent, or other capacity). All the aforesaid categories shall be itemized and subdivided as shown by Schedule T-1 and the instructions thereon.

§ 244.15 Station data (Schedule T-2).

(a) The schedule of station data, which is designated as Schedule T-2 of CAB Form 244, shall be prepared for each semiannual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule T-2 shall be filed only by carriers whose gross air freight forwarding revenues (item 4 of Schedule P) exceed \$50,000 for the 12-month period ending on the same date as the semi-annual period covered by the particular report.

(c) Schedule T-2 shall cover the traffic volume handled by the reporting forwarder at each originating air station in domestic and overseas/foreign air freight forwarding operations where applicable. For each originating air station, report the total number of all air shipments received from shippers at such station (not including shipments being reconsolidated) and the total number and weight of all consolidations made to direct air carriers, or freight forwarders in the case of joint loading, at such station (including reconsolidations—that is, air freight which has previously been consolidated, in the air freight forwarding operations of the reporting forwarder, and tendered to a direct air carrier, or freight forwarder in the case of joint loading). This data shall be re-

ported as shown by Schedule T-2 and the instructions thereon.

§ 244.16 Traffic flow data (Schedule T-3).

(a) The schedule of traffic flow data, which is designated as Schedule T-3 of CAB Form 244, shall be prepared for each semiannual period ending June 30 and December 31 of each year and be filed with the Board as provided in § 244.10.

(b) Schedule T-3 shall reflect the main routings of consolidations handled by the reporting forwarder in both domestic and overseas/foreign air freight forwarding operations where applicable. The reporting forwarder shall list on this Schedule, in descending order of importance, the ten pairs of air stations representing the largest directional traffic flow based upon the total weight of air consolidations tendered to direct air carriers (or freight forwarders in the case of joint loading) and transported between such stations, in one direction. There shall also be listed the total tonnage of consolidations moving between each of the ten pairs in such direction. The aforesaid data shall be reported as shown by Schedule T-3 and the instructions thereon.

§ 244.17 General officers and directors, list of stockholders (Schedule G-1).

(a) The schedule relating to general officers, directors and stockholders, which is designated as Schedule G-1 of CAB Form 244, shall be prepared as of December 31 of each year and filed with the Board as provided in § 244.10.

(b) Schedule G-1 shall identify, in cases where the reporting forwarder is a corporation, those officers and directors whose positions are elective and their ownership of the reporting forwarder's securities. This schedule shall also identify all persons holding more than five percent of the reporting forwarder's outstanding capital stock or, in cases of unincorporated business enterprises, more than five percent of the total invested capital, and the holdings of each such person. The above-mentioned persons and their holdings shall be identified in the manner set forth in Schedule G-1 and the instructions thereon.

§ 244.18 Corporate and securities data, investments in other companies (Schedule G-2).

(a) The schedule relating to corporate and securities data and investments in other companies, which is designated as Schedule G-2 of CAB Form 244, shall be prepared as of December 31 of each year and filed with the Board as provided in § 244.10.

(b) Schedule G-2 shall reflect the exact name of the forwarder and, as applicable, the date and place of incorporation, date of charter termination, the date and place of annual meetings, and a complete statement of any corporate change and a description of any outstanding options to purchase the reporting forwarder's securities. This schedule shall also reflect the holdings of the reporting forwarder in other companies. The above-mentioned information shall be reported as specifically

indicated by Schedule G-2 and the instructions thereon.

§ 244.19 Statement of insurance coverage (Schedule I).

(a) The statement of insurance coverage, which is designated as Schedule I of CAB Form 244, shall be prepared as of June 30 and December 31 of each year and as of all other times when a change occurs in the insurance, self-insurance or surety bond previously reported to the Board by a freight forwarder, and shall be filed with the Board as provided in § 244.10.

(b) Schedule I shall reflect the reporting forwarder's cargo and public liability insurance coverage under a policy, self-insurance plan, and/or surety bond as required by Parts 296 and/or 297 of this chapter. The information to be reported is further described in Schedule I.

Subpart C—Annual Reports by Cooperative Shippers Associations

§ 244.20 Annual report.

(a) Each cooperative shippers association shall file CAB Form 244A^{*} entitled "Annual Report of Cooperative Shippers Associations" in accordance with the requirements of this part and the instructions set forth in said form which is made a part hereof and annexed hereto.

(b) The aforesaid report shall be filed annually and in sufficient time so as to be received by the Board within forty-five (45) days after the termination of the prescribed period. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The report shall be addressed to the Board, attention of the Office of Carrier Accounts and Statistics.

(c) This report shall contain a description of the association, the identities, and interests in the association, of its officers and directors, the identities and holdings in the association of persons with more than a five percent interest therein, investments of the association, amount of revenue earned and/or received, and the total number of shipments received during the year for carriage by air. These items shall be shown as more fully set forth on the aforesaid report form.

Subpart D—Effective Date

§ 244.30 Filing of reports.

Part 244 as here amended shall become effective July 1, 1960 and shall first apply to the report due within 45 days after December 31, 1960: *Provided, however*, That, (a) Any Statements of Insurance Coverage, which may be due to be filed after June 30, 1960, shall be prepared and filed pursuant to the instant revision of this Part 244; and (b) the report due within 45 days after June 30, 1960 shall be prepared and filed with the Board pursuant to the provisions of this Part 244 which became effective March 27, 1959.

^{*} CAB Form 244A, filed as part of original document, may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER,
Secretary.

[F.R. Doc. 60-6144; Filed, July 1, 1960;
8:49 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 206; Amdt. 32]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO-C66, Airborne Distance Measuring Equipment (DMET)

Proposed § 514.71 establishing minimum performance standards for airborne distance measuring equipment for use on civil aircraft of the United States engaged in air carrier operations was published in 24 F.R. 10119.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration has been given to all comments received. Two of these concerned the difficulty of meeting the altitude test requirement for high-powered pulse equipment, specified in paragraph 3.3 of RTCA Paper 167-59/DO-99. It has been determined that an alternate test condition may be substituted and this has been added as paragraph (a)(2)(v). Two recommendations for changes in the vibration frequency range have not been adopted. Data obtained from recent studies on vibration requirements indicate that the frequency range of 10-55 c.p.s. is adequate. Therefore, the original range is being retained for equipment mounted on instrument panels. One manufacturer took exception to the decoder selectivity requirement of paragraph 2.11(b), RTCA Paper 167-59/DO-99. However, the Federal Aviation Agency regards this requirement as necessary from the future system standpoint and has determined that the requirement should be included in the adopted Technical Standard Order.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.71 is added as follows:

§ 514.71 Airborne distance measuring equipment (DMET) (for air carrier aircraft)—TSO-C66.

(a) *Applicability*—(1) *Minimum performance standards*. Minimum performance standards are hereby established for airborne distance measuring equipment (DMET) which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne distance measuring equipment (DMET) manufactured for use on civil air carrier aircraft on or after August 1, 1960, shall meet the minimum

performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Distance Measuring Equipment (DMET) Operating Within the Radio Frequency Range of 960-1215 Megacycles," (Paper 167-59/DO-99)¹ dated September 8, 1959. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60¹ which is incorporated by reference in and thus is a part of Paper 167-59/DO-99 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.²

(2) *Exceptions*. (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60 and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne distance measuring equipment (DMET) which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for equipment designed exclusively for installation on the instrument panel of aircraft in lieu of those specified in Paper 100-54/DO-60 as amended. No shock mounting shall be used during the conduct of this test if the vibration values specified below are used.

Amplitude: 0.01" (0.02" total excursion).
Frequency: Variable 10-55 c.p.s.
Maximum Acceleration: 1.5 g.

(iii) Equipment which is designed exclusively for installation on the instrument panel of aircraft need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(iv) Indicating instruments which are a part of the system, but which are not designed exclusively for installation on the instrument panel of aircraft, may also be tested to the vibration requirements specified in subdivision (ii) of this subparagraph, and need not be subjected to the shock requirements outlined in Paper 100-54/DO-60 as amended.

(v) The following test condition may be substituted for that specified in paragraph 3.3, *Altitude Test*, of RTCA Paper 167-59/DO-99 for equipment intended for installation in heated and pressurized locations of aircraft:

With the equipment operating, adjust the atmospheric pressure to that equivalent to

¹ Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 167-59/DO-99, 50 cents per copy; Paper 100-54/DO-60, 20 cents per copy.

² In addition to the performance standards herein, airborne distance measuring equipment (DMET) when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Civil Air Regulations.

40,000 plus-minus 5 percent feet at the ambient room temperature. Maintain this pressure for 10 minutes, then increase the pressure to that equivalent to 20,000 plus-minus 5 percent feet. Apply standard primary test voltage and frequency to the equipment and operate at maximum duty cycle for 15 minutes. Following this, with standard test voltage and frequency applied, and the equipment maintained at a pressure equivalent to 20,000 plus-minus 5 percent feet, the standards of paragraphs 2.1, 2.7, and 2.9 shall be met. During this test, the test chamber wall shall not be colder than -40° C.

(b) *Marking*. In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/DO-60, as amended, shall be marked as Category A equipment. Equipment which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment. Equipment which has been designed exclusively for installation on the instrument panel of aircraft and which meets only the amended vibration requirements outlined above shall be identified with the letters I.P. following the category of equipment, such as CAT. A-I.P.

(c) *Data requirements*. One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) *Previously approved equipment*. Airborne distance measuring equipment (DMET) approved prior to August 1, 1960, may continue to be manufactured under the provisions of its original approval.

(e) *Effective date*. August 1, 1960.
(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on June 27, 1960.

OSCAR BAKKE,
Director, Bureau of
Flight Standards.

[F.R. Doc. 60-6117; Filed, July 1, 1960;
8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-FW-79]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airways

On March 11, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 2084) stating that the Federal Aviation Agency proposed the following actions: Modifica-

tion of VOR Federal airway No. 22 between Marianna, Fla., and Jacksonville, Fla.; and modification of VOR Federal airway No. 157 between Gainesville, Fla., and Alma, Ga.

Although not mentioned in the notice, a minor modification of § 601.6022 is required in order to indicate that more than one north alternate exists on Victor 22.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, the following actions are taken:

§ 600.6022 [Amendment]

1. In the text of § 600.6022 (24 F.R. 10508), "Marianna, Fla., omnirange station; intersection of the Marianna omnirange 141° and the Tallahassee omnirange 267° radials; Tallahassee, Fla., omnirange station; to the Jacksonville, Fla., VOR, including a north alternate from the Marianna VOR to the Jacksonville VOR via the point of INT of the Marianna VOR 092° and the Albany, Ga., VOR 152° radials, the point of INT of the Valdosta, Ga., VOR 233° and the Cross City, Fla., VOR 333° radials, the point of INT of the Gainesville, Fla., VOR 354° and the Jacksonville VOR 272° radials and the point of INT of the Brunswick, Ga., VOR 238° with the Jacksonville VOR 289° radials." is deleted and "Marianna, Fla., VOR; INT of the Marianna, Fla., VOR 141° True and the Tallahassee, Fla., VORTAC 267° True radials; Tallahassee VORTAC; Taylor, Fla., VOR, including an N alternate from the Marianna VOR to the INT of the Valdosta, Ga., VOR 233° True and the Cross City, Fla., VOR 333° True radials via the INT of the Marianna VOR 093° True and the Albany, Ga., VOR 152° True radials; Jacksonville, Fla., VORTAC, including a north alternate from the Taylor VOR to the Jacksonville VORTAC via the INT of the Taylor VOR 065° True and the Jacksonville VORTAC 289° True radials." is substituted therefor.

§ 600.6157 [Amendment]

2. In the text of § 600.6157 (24 F.R. 10518, 10949; 25 F.R. 1990, 2885), "INT of the Gainesville VOR 353° and the Alma VOR 179° radials;" is deleted and "Taylor, Fla., VOR;" is substituted therefor.

3. Section 601.6022 (24 F.R. 10598) is amended to read:

§ 601.6022 VOR Federal airway No. 22 control areas (New Orleans, La., to Jacksonville, Fla.).

All of VOR Federal airway No. 22, including N alternates, but excluding the airspace between the main airway and its N alternate between the Marianna, Fla., VOR and the INT of the Valdosta, Ga., VOR 233° True and the Cross City, Fla., VOR 333° True radials.

These amendments shall become effective 0001 e.s.t., August 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on June 28, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-6118; Filed, July 1, 1960; 8:45 a.m.]

[Reg. Docket No. 434; Amdt. 62]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days' notice.

Part 610 is amended as follows:

Section 610.13 *Green Federal airway 3* is amended to read in part:

From Sacramento, Calif., LFR; to Roseville Int, Calif.; MEA 3,500.
From *Roseville INT, Calif.; to Donner Summit, Calif. LF/RBN; MEA 11,000.
*7,000—MCA Roseville INT, northeastbound.
From Auburn, Calif., FM; to Roseville INT, Calif., southwestbound only; MEA 3,500.
From Blue Canyon, Calif., FM; to Auburn, Calif., FM, southwestbound only; MEA 7,000.
From Donner Summit, Calif., LF/RBN; to *Reno, Nev., VOR; MEA 12,000. *10,500—MCA Reno VOR, westbound.

Section 610.14 *Green Federal airway 4* is amended to read in part:

From Malibu INT, Calif.; to Camarillo, Calif., LFR; MEA 3,500.

Section 610.15 *Green Federal airway 5* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to *Riverside, Calif., LFR; MEA 5,000. *11,000—MCA Riverside LFR, eastbound.
From LaHabra, Calif., FM; to Los Angeles, Calif., LF/RBN, westbound only; MEA 3,000.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From Los Angeles, Calif., LF/RBN; to Valley INT, Calif.; MEA 4,000.
From Valley INT, Calif.; to Newhall, Calif., LFR; MEA 7,000.

Section 610.104 *Amber Federal airway 4* is amended to read in part:

From Sioux Falls, S. Dak., LFR; to Huron, S. Dak., LFR; MEA 3,000.

Section 610.106 *Amber Federal airway 6* is amended to delete:

From Jacksonville, Fla., LFR; to Alma, Ga., LFR; MEA 1,600.
From Nashville, Tenn., LFR; to Bowling Green, Ky., LFR; MEA 3,000.

From Bowling Green, Ky., LFR; to Lexington, Ky., LF/RBN; MEA 3,000.
From Lexington, Ky., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,400.

Section 610.109 *Amber Federal airway 9* is deleted.

Section 610.216 *Red Federal airway 16* is amended to read:

From Florence, S.C., LFR; to Lumberton, N.C., LF/RBN; MEA 1,500.
From Lumberton, N.C., LF/RBN; to Raleigh, N.C., LFR; MEA 2,000.

Section 610.217 *Red Federal airway 17* is amended to delete:

From Chanute, Ill., LF/RBN; to Rensselaer INT, Ind.; MEA 1,900.

Section 610.218 *Red Federal airway 18* is deleted.

Section 610.226 *Red Federal airway 26* is deleted.

Section 610.233 *Red Federal airway 33* is amended to read:

From Buckroe Beach INT, Va.; to Richmond, Va., LFR; MEA 1,500.

Section 610.284 *Red Federal airway 84* is deleted.

Section 610.290 *Red Federal airway 90* is amended to read in part:

From Camarillo, Calif., LFR; to Burbank, Calif., LFR; MEA 6,000.

Section 610.603 *Blue Federal airway 3* is amended to delete:

From Grand Rapids, Mich., LFR; to Traverse City, Mich., LFR; MEA 2,800.
From Traverse City, Mich., LFR; to Sault Ste. Marie, Mich., LFR; MEA 2,400.

Section 610.658 *Blue Federal airway 58* is deleted.

Section 610.679 *Blue Federal airway 79* is amended to delete:

From Banks INT, Canada; to Annette Island, Alaska, LFR; MEA 2,800.

Section 610.679 *Blue Federal airway 79* is amended by adding:

From U.S.-Canadian Border; to Annette Island, Alaska, LFR; MEA 3,000.

Section 610.687 *Blue Federal airway 87* is deleted.

Section 610.1001 *Direct Routes—U.S.* is amended to delete:

From Palacios, Tex., LFR; to Richmond, Tex., LFR; MEA 1,500.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lone Rock, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,500.
From Lansing, Mich., VOR via N alter.; to *Fowler INT, Mich., via N alter.; MEA **4,000. *4,000—MRA. **2,900—MOCA.
From Fowler INT, Mich., via N alter.; to Salem, Mich., VOR via N alter.; MEA 2,900.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Marshall, Mo., VORTAC; to Hallsville, Mo., VOR; MEA 2,400.
From Hallsville, Mo., VOR to Monroe INT, Mo.; MEA 2,100.
From Dalton INT, Mo., via N alter.; to Hallsville, Mo., VOR via N alter.; MEA 2,400.
From Hallsville, Mo., VOR via N alter.; to St. Louis, Mo., VOR via N alter.; MEA 2,100.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Summitville INT, Tenn.; to Milton INT, Tenn.; MEA *3,000. *2,400—MOCA.

From Milton INT, Tenn.; to Nashville, Tenn., VOR; MEA 2,000.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From *Ogden, Utah, VOR via N alter.; to Blacksmith INT, Utah, via N alter.; MEA **13,000. *11,000—MCA Ogden VOR, northbound. **12,000—MOCA.

Section 610.6006 *VOR Federal airway 6* is amended to delete:

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR; to Lewisburg INT, Miss.; MEA *2,400. *1,800—MOCA.

From Lewisburg INT, Miss.; to Memphis, Tenn., VOR; MEA 1,500.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From *Aetna INT, Okla., via N alter.; to *Salt INT, Kans., via N alter.; MEA ***6,300. *10,500—MRA. **4,200—MRA. ***3,500—MOCA.

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *3,000—MRA.

From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Hobart, Okla., VOR via S alter.; to *Norge INT, Okla., via S alter.; MEA **4,300. *4,300—MRA. **3,100—MOCA.

From Norge INT, Okla., via S alter.; to *Tuttle INT, Okla., via S alter.; MEA **2,800. *2,500—MRA. **2,500—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From *Prosper INT, Tex.; to Gunter INT, Tex.; MEA 1,900. *2,100—MRA.

From Gunter INT, Tex.; to Ardmore, Okla., VOR; MEA 2,600.

From Waco, Tex., VOR via W alter.; to Parker INT, Tex., via W alter.; MEA *2,000. *1,900—MOCA.

From Parker INT, Tex., via W alter.; to Joshua INT, Tex., via W alter.; MEA 2,100.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Knoxville, Tenn., VOR via N alter.; to *Hilton INT, Va., via N alter.; MEA **7,000. *9,500—MRA. **6,600—MOCA.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Shreveport, La., VOR via S alter.; to Bryceland INT, La., via S alter.; MEA *2,000. *1,900—MOCA.

From Bryceland INT, La., via S alter.; to Monroe, La., VOR via S alter.; MEA *2,000. *1,800—MOCA.

From *Ritter INT, S.C., via S alter.; to **Wald INT, S.C., via S alter.; MEA ***1,700. *2,400—MRA. **3,100—MRA. ***1,500—MOCA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *2,000—MRA.

From Hathaway INT, La., via N alter.; to *Rayne INT, La., via N alter.; MEA 1,500. *2,500—MRA.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From *Red Bluff, Calif., VORTAC; to Klamath Falls, Oreg., VORTAC; MEA **13,500. *5,000—MCA Red Bluff VORTAC, southbound. **10,000—MOCA.

Section 610.635 *VOR Federal airway 35* is amended to read in part:

From Macon, Ga., VOR; to *Clinton INT, Ga.; MEA 2,000. *2,500—MRA.

From Clinton INT, Ga.; to *Eatonton INT, Ga.; MEA 2,000. *2,300—MRA.

Section 610.6038 *VOR Federal airway 38* is amended to read in part:

From Moline, Ill., VOR; to Annawan INT, Ill.; MEA 2,800.

From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *3,800. *2,200—MOCA.

From *Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000. *3,800—MCA Triumph INT, westbound.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From Raleigh, N.C., VOR via W alter.; to Liberty, N.C., VOR via W alter.; MEA 2,000.

From Liberty, N.C., VOR via W alter.; to Greensboro, N.C., VOR via W alter.; MEA 2,000.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Murphy INT, N.C.; to Rainbow INT, N.C.; MEA 7,000.

From Rainbow INT, N.C.; to Sunset INT, S.C.; MEA 8,000.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From Dayton, Ohio, VOR via E alter.; to Ft. Wayne, Ind., VORTAC via E alter.; MEA 2,300.

Section 610.6056 *VOR Federal airway 56* is amended to read in part:

From *Junction City INT, Ga.; to **Flint INT, Ga.; MEA 1,700. *3,000—MRA. **3,000—MRA.

From Flint INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From Wilton INT, Mo.; to Hallsville, Mo., VOR; MEA 2,600.

From Hallsville, Mo., VOR; to Quincy, Ill., VOR; MEA 2,000.

Section 610.6064 *VOR Federal airway 64* is amended to read in part:

From *Thermal, Calif., VOR; to Blythe, Calif., VOR; MEA 7,000. *12,000—MCA Thermal VOR, westbound.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From San Antonio, Tex., VOR; to *McCoy INT, Tex.; MEA 3,000. *3,000—MRA.

From McCoy INT, Tex.; to *Essen INT, Tex.; MEA **2,500. *4,000—MRA. **2,000—MOCA.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From *Cotton INT, La., via W alter.; to **Foster INT, La., via W alter.; MEA ***2,000. *2,000—MRA. **3,000—MRA. ***1,600—MOCA.

From Foster INT, La., via W alter.; to El Dorado, Ark., VOR via W alter.; MEA *2,000. *1,600—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VOR; to *Bonnie View INT, Tex.; MEA 1,400. *2,000—MRA.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Dogwood, Mo., VOR; to Maples, Mo., VOR; MEA *3,000. *2,900—MOCA.

Section 610.6072 *VOR Federal airway 72* is amended to delete:

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.

Section 610.6074 *VOR Federal airway 74* is amended to read in part:

From Greensburg INT, Kans.; to *Salt INT, Kans.; MEA **3,600. *4,200—MRA. **3,300—MOCA.

Section 610.6077 *VOR Federal airway 77* is amended by adding:

From Oklahoma City, Okla., VOR via E alter.; to Guthrie INT, Okla., via E alter.; MEA *3,000. *2,700—MOCA.

From Guthrie INT, Okla., via E alter.; to Ponca City, Okla., VOR via E alter.; MEA 2,500.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From Ft. Sill INT, Okla.; to *Norge INT, Okla.; MEA **2,800. *4,300—MRA. **2,500—MOCA.

From Norge INT, Okla.; to *Tuttle INT, Okla.; MEA **2,800. *2,500—MRA. **2,500—MOCA.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Santa Fe, N. Mex., VOR; to Taos, N. Mex., VOR; MEA 11,000.

From Taos, N. Mex., VOR; to Alamosa, Colo., VOR; MEA 12,000.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Bryceland INT, La.; to Monroe, La., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Albany, Ga., VOR; to Americus INT, Ga.; MEA *1,800. *1,600—MOCA.

From Americus INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **1,600—MOCA.

From Junction City INT, Ga.; to Concord INT, Ga.; MEA *3,000. *2,200—MOCA.

From Concord INT, Ga.; to Atlanta, Ga., VORTAC; MEA 2,100.

From Atlanta, Ga., VORTAC; to Crabapple INT, Ga.; MEA 3,000.

From Crabapple INT, Ga.; to Nelson INT, Ga.; MEA *3,800. *3,500—MOCA.

From *Nelson INT, Ga.; to Blue Ridge INT, Ga.; MEA **7,000. *5,700—MCA Nelson INT, northbound. **5,700—MOCA.

From Blue Ridge INT, Ga.; to Murphy INT, Tenn.; MEA *8,000. *5,700—MOCA.

From Murphy INT, Tenn.; to *Tallasse INT, Tenn.; MEA 7,600. *7,000—MCA Tallasse INT, southbound.

From Tallasse INT, Tenn.; to Knoxville, Tenn., VOR; MEA 4,500.

From Cincinnati, Ohio, VOR via E alter.; to *Brookville INT, Ohio, via E alter.; MEA 2,200. *4,000—MRA.

From Brookville INT, Ohio; to Shelbyville, Ind., VOR; MEA 2,200.

Section 610.6097 *VOR Federal airway 97* is amended to delete:

From Norcross, Ga., VOR via E alter.; to Silver City INT, Ga., via E alter.; MEA 3,000.

From Silver City INT, Ga., via E alter.; to College INT, Ga., via E alter.; MEA 4,000.

From College INT, Ga., via E alter.; to Harris INT, N.C., via E alter.; MEA 6,800.

From Harris INT, N.C., via E alter.; to *Rasas INT, Tenn., via E alter.; MEA 7,600. *7,000—MCA Rasas INT, southbound.

From Rasar INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 5,000.

Section 610.6097 *VOR Federal airway 97* is amended by adding:

From Albany, Ga., VOR via E alter.; to Montezuma INT, Ga., via E alter.; MEA *2,000. *1,600—MOCA.

From Montezuma INT, Ga., via E alter.; to *Flint INT, Ga., via E alter.; MEA **4,000. *3,000—MRA. **1,800—MOCA.

From Flint INT, Ga., via E alter.; to Atlanta, Ga., VOR via E alter.; MEA *3,000. *2,100—MOCA.

From London, Ky., VOR via W alter.; to Lexington, Ky., VOR via W alter.; MEA 2,800. From Lexington, Ky., VOR via W alter.; to Cincinnati, Ohio, VOR via W alter.; MEA 2,600.

Section 610.6103 *VOR Federal airway 103* is amended to read in part:

From Greensboro, N.C., VOR; to Madison INT, N.C.; MEA 2,100.

From Madison INT, N.C.; to Henry INT, Va.; MEA 5,200.

From Henry INT, Va.; to Hollins, Va., VORTAC; MEA 5,600.

Section 610.6106 *VOR Federal airway 106* is amended to read in part:

From Selinsgrove, Pa., VOR; to Berwick INT, Pa.; MEA 3,500.

From Berwick INT, Pa.; to Thornhurst, Pa., VOR; 3,700.

From Thornhurst, Pa., VOR; to Wilkes-Barre Scranton, Pa., VOR; MEA 3,500.

Section 610.6116 *VOR Federal airway 116* is amended to delete:

From Windsor, Ont., Canada, VOR; to Tilbury INT, Ont.; MEA #2,000. #For that airspace over U.S. Territory.

From Tilbury INT, Ont., Canada; to Blue Pike INT, Pa.; MEA 2,000.

Section 610.6116 *VOR Federal airway 116* is amended by adding:

From Angler INT, Canada; to Blue Pike INT, Pa.; MEA *#2,500. *2,000—MOCA. #For that airspace over U.S. Territory.

Section 610.6131 *VOR Federal airway 131* is amended to read in part:

From *Talala INT, Okla.; to Chanute, Kans., VOR; MEA 2,200. *3,000—MRA.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From Chanute, Kans., VOR; to *Walnut INT, Kans.; MEA 2,500. *3,800—MRA.

From Chanute, Kans., VOR via S alter.; to McCune INT, Kans., via S alter.; MEA 2,500.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Hickman INT, Tenn., via S alter.; to Crawford INT, Tenn., via S alter.; MEA 4,000.

From Crawford INT, Tenn., via S alter.; to London, Ky., VOR via S alter.; MEA 4,500. From Freedom INT, Ky., via N alter.; to *Bakerton INT, Ky., via N alter.; MEA 5,500. *4,500—MRA.

From Bakerton INT, Ky., via N alter.; to London, Ky., VOR via N alter.; MEA *4,500. *3,200—MOCA.

Section 610.6146 *VOR Federal airway 146* is amended by adding:

From Providence, R.I., VOR; to Nantucket, Mass., VOR; MEA 1,500.

Section 610.6147 *VOR Federal airway 147* is amended to read in part:

From Allentown, Pa., VOR; to Thornhurst, Pa., VOR; MEA 3,700.

From Thornhurst, Pa., VOR; to Elmira, N.Y., VOR; MEA 4,000.

Section 610.6149 *VOR Federal airway 149* is amended to read in part:

From Allentown, Pa., VOR; to Thornhurst, Pa., VOR; MEA 3,700.

From Thornhurst, Pa., VOR; to Binghantown, N.Y., VOR; MEA 4,000.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From Meridian, Miss., VORTAC; to *York INT, Ala.; MEA 2,000. *2,400—MRA.

From *Junction City INT, Ga.; to *Flint INT, Ga.; MEA 1,700. *3,000—MRA. **3,000—MRA.

From Flint INT, Ga.; to Macon, Ga., VOR; MEA 1,700.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From *Malabar INT, Fla., via E alter.; to Orlando, Fla., VOR via E alter.; MEA **1,500. *3,000—MRA. **1,300—MOCA.

Section 610.6163 *VOR Federal airway 163* is amended to read in part:

From *Essen INT, Tex.; to *McCoy INT, Tex.; MEA ***2,500. *4,000—MRA. **3,000—MRA. ***2,000—MOCA.

From McCoy INT, Tex.; to San Antonio, Tex. VOR; MEA 3,000.

Section 610.6174 *VOR Federal airway 174* is amended to delete:

From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.

From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.

From Bible Grove, Ill., VOR; to Carlisle INT, Ill.; MEA 2,100.

From Carlisle INT, Ill.; to Scotland, Ind., VOR; MEA 2,000.

From Scotland, Ind., VOR; to *Mitchell INT, Ind.; MEA 2,000. *4,000—MRA.

From Mitchell INT, Ind.; to Livonia INT, Ind.; MEA 2,200.

From Livonia INT, Ind.; to Louisville, Ky., VOR; MEA 2,600.

Section 610.6175 *VOR Federal airway 175* is amended to read in part:

From Wilton INT, Mo.; to Hallsville, Mo., VOR; MEA 2,600.

Section 610.6181 *VOR Federal airway 181* is amended by adding:

From Watertown, S. Dak., VOR; to Fargo, N. Dak., VOR; MEA 3,800.

Section 610.6187 *VOR Federal airway 187* is amended by adding:

From Rock Springs, Wyo., VORTAC; to *Hudson INT, Wyo., MEA 10,000. *12,500—MRA.

From Hudson INT, Wyo.; to Boysen Reservoir, Wyo., VORTAC; MEA 10,000.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 4,500.

From Thornhurst, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 3,500.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Bartlesville, Okla., VOR; to Oswego, Kans., VOR; MEA 1,900.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Chicago O'Hare, Ill., VOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

From Taylor INT, Wis.; to Horlick INT, Wis.; MEA *3,500. *2,000—MOCA.

From Horlick INT, Wis.; to Pike INT, Wis.; MEA *3,000. *2,000—MOCA.

From Pike INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6194 *VOR Federal airway 194* is amended by adding:

From Norfolk, Va., VOR; to Gwynn INT, Va.; MEA 1,500.

Section 610.6209 *VOR Federal airway 209* is amended to read in part:

From Jane INT, Ala.; to *York INT, Ala.; MEA **6,500. *2,400—MRA. **1,600—MOCA.

From York INT, Ala.; to Tuscaloosa, Ala., VOR; MEA *2,400. *1,600—MOCA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Marshall, Mo., VORTAC; to Hallsville, Mo., VOR; MEA 2,400.

From Hallsville, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.

From Dalton INT, Mo., via N alter.; to Hallsville, Mo., VOR, via N alter.; MEA 2,400.

From Hallsville, Mo., VOR via N alter.; to St. Louis, Mo., VOR via N alter.; MEA 2,100.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From Norcross, Ga., VOR; to Lanier INT, Ga.; MEA 3,000.

From Lanier INT, Ga.; to Toccoa, Ga., VOR; MEA 3,500.

Section 610.6226 *VOR Federal airway 226* is amended to read in part:

From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 4,500.

From Thornhurst, Pa., VOR; to Stillwater, N.J., VOR; MEA 3,500.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Oakland, Calif., VORTAC via S alter.; to Sunol INT, Calif., via S alter.; MEA 4,000.

From Sunol INT, Calif., via S alter., to Stockton, Calif., VOR via S alter.; MEA 5,000.

Section 610.6257 *VOR Federal airway 257* is amended by adding:

From Promontory Point INT, Utah, via W alter.; to Spring Bay INT, Utah, via W alter.; northwestbound, MEA 10,000; southeastbound, MEA 9,000.

From Spring Bay INT, Utah, via W alter.; to Malad City, Utah, VOR via W alter.; MEA 10,000.

Section 610.6267 *VOR Federal airway 267* is amended by adding:

From Norcross, Ga., VOR; to College INT, Ga.; MEA *5,000. *3,100—MOCA.

From College INT, Ga.; to Nottelley INT, N.C.; MEA *7,000. *8,300—MOCA.

From Nottelley INT, N.C.; to Knoxville, Tenn., VOR; MEA 7,600.

From Norcross, Ga., VOR via E alter.; to Clermont INT, Ga., via E alter.; MEA 3,000.

From Clermont INT, Ga.; via E alter.; to Rainbow INT, N.C., via E alter.; MEA 7,000.

From Rainbow INT, N.C.; via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 7,600.

Section 610.6275 *VOR Federal airway 275* is amended to read in part:

From Cincinnati, Ohio, VOR via W alter.; to *Cedar Grove INT, Ohio, via W alter.; MEA 2,500. *3,000—MRA.

From Cedar Grove INT, Ohio, via W alter.; to Richmond, Ind., VOR via W alter.; MEA 2,500.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Aetna INT, Okla.; to **Salt INT, Kans.; MEA ***6,300. *10,500—MRA. **4,200—MRA. ***3,500—MOCA.
From *Salt INT, Kans., to Hutchinson, Kans., VOR; MEA **4,200. *6,300—MCA Salt Int, southwestbound. **2,900—MOCA.

Section 610.6283 *VOR Federal airway 283* is amended to read in part:

From *Fresno, Calif., VOR; to Coarsegold INT, Calif.; northbound, MEA 6,000; southbound, MEA 5,000. *4,000—MCA Fresno VOR, northbound.
From *Coarsegold INT, Calif.; to Reno, Nev., VOR; MEA 15,000. *10,000—MCA Coarsegold INT, northbound.

Section 610.6288 *VOR Federal airway 288* is amended to read in part:

From *Corinne INT, Utah; to Blacksmith INT, Utah; MEA 13,000. *13,000—MRA.

Section 610.6454 *VOR Federal airway 454* is amended to read in part:

From Atlanta, Ga., VORTAC; to Athens, Ga., VOR; MEA 3,000.

Section 610.6459 *VOR Federal airway 459* is added to read:

From *Fresno, Calif., VOR; to Friant, Calif., VOR; northeastbound, MEA 6,000; southwestbound, MEA 5,000. *4,000—MCA Fresno VOR, northeastbound.
From Friant, Calif., VOR; to Linden, Calif., VOR; MEA 7,000.

Section 610.6602 *VOR Federal airway 1502* is amended to delete:

From Windsor, Ontario, Canada; to Blue Pike INT, Pa.; MEA #2,000. #For that airspace over U.S. Territory.

Section 610.6602 *VOR Federal Airway 1502* is amended by adding:

From Angler INT, Canada; to Blue Pike INT, Pa.; MEA #2,500. *2,000—MOCA. #For that airspace over U.S. Territory.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From *Big Piney, Wyo., VOR; to **Hudson INT, Wyo.; MEA 15,000. *12,500—MCA Big Piney VOR, westbound. **12,500—MRA. **12,700—MCA Hudson INT, westbound.
From Hudson INT, Wyo.; to Casper, Wyo., VOR; MEA *12,500. *10,000—MOCA.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Williamsport, Pa., VOR; to Thornhurst, Pa., VOR; MEA 4,500.
From Thornhurst, Pa., VOR; to Stillwater, N.J., VOR; MEA 3,500.

Section 610.6610 *VOR Federal airway 1510* is amended to delete:

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.

Section 610.6610 *VOR Federal airway 1510* is amended to read in part:

From Moline, Ill., VOR; to Annawan, Ill., VOR; MEA 2,800.
From Annawan, Ill., VOR; to Triumph INT, Ill.; MEA *3,800. *2,200—MOCA.
From *Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000. *3,800—MCA Triumph INT, westbound.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *3,000—MRA.
From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *3,000—MRA.
From Plain City INT, Ohio; to Appleton, Ohio, VOR; MEA 2,500.
From Marshall, Mo. VORTAC; to Hallsville, Mo., VOR; MEA 2,400.
From Hallsville, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.

Section 610.6635 *VOR Federal airway 1535* is amended to read in part:

From Reynolds INT, Idaho; to *Boise, Idaho, VOR; northeastbound, MEA 8,000; southwestbound MEA 10,000. *6,600—MCA Boise VOR, southwestbound.

From *Boise, Idaho, VOR; to **Landmark INT, Idaho; MEA ***20,000. *8,600—MCA Boise VOR, northeastbound. **20,000—MRA. ***11,000—MOCA.

From Landmark INT, Idaho; to *Missoula, Mont., VOR; MEA **25,000. *10,500—MCA Missoula VOR, southwestbound. **12,000—MOCA. #Continuous navigation signal coverage does not exist over the entire route segment below 35,000 feet.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective July 28, 1960.

Issued in Washington, D.C., on June 24, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-6053; Filed, July 1, 1960; 8:45 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 194—LIQUOR DEALERS

Special Taxes Imposed and Requirements and Procedures With Respect to Operations

On April 7, 1960, a notice of proposed rule making with respect to the revision and reissuance of 26 CFR Part 194 was published in the FEDERAL REGISTER (25 F.R. 2958).

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed in the notice. Accordingly, the regulations as so published are hereby adopted subject to the changes set forth below:

1. An authority citation is inserted immediately following the table of contents.

2. Section 194.201 is amended by striking the period at the end thereof and adding the following: "or the claimant shall include in his claim evidence satisfactory to the assistant regional commissioner that the stamp cannot be submitted."

3. Section 194.253 is amended by deleting the parenthetical phrase "(unless

the container comes within the exception in § 194.251)."

4. Section 194.238 is amended by:

(A) Inserting the paragraph designation "(a)" immediately ahead of the text of the section,

(B) Inserting immediately after the words "he shall" in the first sentence the phrase "except as provided in paragraph (b) of this section," and

(C) Adding at the end of the section a paragraph (b) and amended citation.

Because these regulations are a part of an integrated recodification program under Chapter 51, I.R.C., and in order that the entire program may be effective on July 1, 1960, it is found that it is contrary to the public interest to issue these regulations subject to the effective date limitation of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003). Accordingly, these regulations shall be effective on July 1, 1960.

[SEAL]

WILLIAM H. LOEB,
Acting Commissioner of
Internal Revenue.

Approved: June 28, 1960.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

PREAMBLE. 1. The regulations in this part shall supersede Part 194—Liquor Dealers, 1955 edition (26 CFR Part 194; 20 F.R. 2159).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall become effective on July 1, 1960.

Subpart A—Scope of Regulations

Sec.	
194.1	Applicability.
194.2	Territorial extent.
194.3	Basic permit requirements.
194.4	Relation to State and municipal law.

Subpart B—Definitions

194.11	Meaning of terms.
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Subpart C—Special (Occupational) Taxes

194.21	Basis of tax.
194.22	Selling or offering for sale.

DEALERS CLASSIFIED

194.23	Retail dealer in liquors.
194.24	Wholesale dealer in liquors.
194.25	Retail dealer in beer.
194.26	Wholesale dealer in beer.
194.27	Limited retail dealer; persons eligible.
194.28	Sales of 20 wine gallons or more.

SPECIAL TAX LIABILITY OF CERTAIN ORGANIZATIONS, AGENCIES AND PERSONS

194.29	Clubs or similar organizations.
194.30	Restaurants serving liquors with meals.
194.31	States, political subdivisions thereof, or the District of Columbia.
194.32	Sales of denatured spirits or articles.
194.33	Sales of alcoholic compounds, preparations, or mixtures containing distilled spirits, wines, or beer.
194.34	Sales by agencies and instrumentalities of the United States.
194.35	Warehouse receipts covering spirits.

Subpart D—Administrative Provisions

194.41	Forms prescribed.
194.42	Right of entry and examination.

Subpart E—Places Subject to Special Tax		Sec.		Sec.	
194.51	Special tax liability incurred at each place of business.	194.138	Receipt for taxes on Form 809.	194.222	Requirements as to wines and beer.
194.52	Place of sale.	194.139	Credit by district director.	194.223	Records to be kept by States, political subdivisions thereof, or the District of Columbia.
194.53	Place of offering for sale.			194.224	Records to be kept by proprietors of distilled spirits plants.
194.54	Places of storage; deliveries therefrom.	194.140	Public list of taxpayers.	194.225	Records of receipts.
194.55	Caterers.	194.141	Use of Record 10.	194.226	Records of disposition.
194.56	Peddling.	194.142	Furnishing copy of Record 10.	194.227	Cancelled or corrected records.
SALES IN TWO OR MORE AREAS ON THE SAME PREMISES				194.228	Format of records of receipt and disposition.
194.57	General.	Subpart J—Change of Location		194.229	Variations in format, or preparation, of records.
194.58	Hotels.	194.151	Amended return, Form 11; endorsement on stamp.	194.230	Recapitulation records.
194.59	Ball park, race track, etc.; sales throughout the premises.	194.152	Failure to register change of address within 30 days.	DAILY AND MONTHLY REPORTS	
Subpart F—Each Business Taxable		194.153	Certificate in lieu of lost or destroyed special tax stamp.	194.231	Wholesale liquor dealer's monthly report, Form 338.
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Subpart A—Scope of Regulations**§ 194.1 Applicability.**

This part contains the substantive and procedural requirements relating to the special taxes imposed on wholesale and retail dealers in liquors, wholesale and retail dealers in beer, and limited retail dealers; requirements and procedures pertaining to operations of such dealers prescribed under the Internal Revenue Code of 1954, as amended; and provisions relating to entry of premises and inspection of records by internal revenue officers.

§ 194.2 Territorial extent.

The provisions of this part shall be applicable in the several States of the United States and the District of Columbia.

§ 194.3 Basic permit requirements.

Every person, except an agency of a State or political subdivision thereof, who intends to engage in the business of selling distilled spirits, wines, or beer to other dealers is required by regulations in 27 CFR Part 1 to obtain a basic permit authorizing him to engage in such business.

§ 194.4 Relation to State and municipal law.

The payment of any tax imposed by this part for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on such trade or business within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes. (72 Stat. 1348; 26 U.S.C. 5145)

Subpart B—Definitions**§ 194.11 Meaning of terms.**

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner of internal revenue.

Beer. Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

Bonded wine cellar. An establishment qualified under this chapter for the production, blending, cellar treatment, storage, bottling, and packaging or repackaging of untaxed wine.

Brewery. An establishment qualified under this chapter for the production of beer.

CFR. The Code of Federal Regulations.

Dealer. Any person who sells, or offers for sale, any distilled spirits, wines, or beer.

Denatured spirits or denatured alcohol. Spirits to which denaturants have been added as prescribed under this chapter.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington 25, D.C.

Distilled spirits or spirits. The substance known as ethyl alcohol, ethanol, or spirits of wine, and all dilutions and mixtures thereof, from whatever source or by whatever process produced, including alcohol, whisky, brandy, rum, gin, vodka, cordials, liqueurs, and cocktails (except cordials and cocktails containing no alcoholic liquors other than wine as defined herein).

Distilled spirits plant. An establishment qualified under this chapter for the production, bonded storage, rectification, or bottling of distilled spirits.

District director. A district director of internal revenue.

Fiscal year. The period from July 1 of one calendar year through June 30 of the following year.

Gallon or wine gallon. A United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Liquor bottles. Bottles or other containers which have been used for the bottling or packaging of distilled spirits under regulations prescribed by the Secretary of the Treasury or his delegate, designated as Part 175 of this chapter.

Liquors. Distilled spirits, wines, or beer.

Person. An individual, a trust, estate, partnership, association or other unincorporated organization, fiduciary, company, or corporation, or the District of Columbia, a State, or a political subdivision thereof (including a city, county, or other municipality).

Place, or place of business. The entire office, plant, or area of the business in any one location under the same proprietorship; and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed a separation for special tax purposes, if the various divisions are otherwise contiguous.

Regional commissioner. A regional commissioner of internal revenue.

Sale at retail or retail sale. Sale of liquors to a person other than a dealer.

Sale at wholesale or wholesale sale. Sale of liquors to a dealer.

Special tax. The occupational tax imposed on a dealer in liquors or a dealer in beer.

U.S.C. The United States Code.

Wine. All kinds and types of wine (including imitation, substandard, and artificial wine, Vermouth and compounds sold as wine) having not in excess of 24 percent of alcohol by volume.

Subpart C—Special (Occupational) Taxes**§ 194.21 Basis of tax.**

Special taxes are imposed on persons engaging in or carrying on the business or occupation of selling or offering for sale alcoholic liquors fit for use as a beverage or any alcoholic liquors sold for use as a beverage. The classes of liquor dealer business on which special occupational tax is imposed and the conditions under which such tax is incurred are specified in §§ 194.23–194.28. No person shall engage in any business on which the special tax is imposed until he has filed a special tax return as provided in § 194.104 of this part and paid the special tax for such business.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.22 Selling or offering for sale.

Whether the activities of any person constitute engaging in the business of selling or offering for sale is to be determined by the facts in each case, but any course of selling or offering for sale, though to a restricted class of persons or without a view to profit, is within the meaning of the statute.

DEALERS CLASSIFIED**§ 194.23 Retail dealer in liquors.**

(a) **General.** Every person who sells or offers for sale distilled spirits, wines, or beer to any person other than a dealer is, except as provided in paragraph (b) of this section, a retail dealer in liquors. Every retail dealer in liquors shall pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) **Persons not deemed to be retail dealers in liquors.** The following persons are not deemed to be retail dealers in liquors within the meaning of chapter 51, I.R.C., and are not required to pay special tax as such dealer—

(1) A retail dealer in beer as defined in § 194.25,

(2) A limited retail dealer as specified in § 194.27, or

(3) A person who only sells or offers for sale distilled spirits, wines, or beer as provided in §§ 194.188–194.190 or 194.191(a).

(c) **Persons exempt from special tax.** The following persons are exempt from special tax as retail dealers in liquors—

(1) A wholesale dealer in liquors selling or offering for sale distilled spirits, wines, or beer, whether to dealers or persons other than dealers, at any place where such wholesale dealer in liquors is required to pay special tax as such dealer.

(2) A wholesale dealer in beer selling or offering for sale beer only, whether to

dealers or persons other than dealers, at any place where such wholesale dealer in beer is required to pay special tax as such dealer, or

(3) A person who is exempt from such tax under the provisions of §§ 194.181-194.184 or 194.187.

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5113, 5121, 5122)

§ 194.24 Wholesale dealer in liquors.

(a) *General.* Every person who sells or offers for sale distilled spirits, wines, or beer to another dealer is, except as provided in paragraph (b) of this section, a wholesale dealer in liquors. Every wholesale dealer in liquors is required to pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be wholesale dealers in liquors.* The following persons are not deemed to be wholesale dealers in liquors within the meaning of chapter 51, I.R.C., and are not required to pay special tax as such dealer—

(1) A wholesale dealer in beer as defined in § 194.26,

(2) A person who only sells or offers for sale distilled spirits, wines, or beer as provided in §§ 194.188-194.190 or 194.192, or

(3) A person returning liquors for credit, refund, or exchange as provided in § 194.193.

(c) *Persons exempt from special tax.* (1) The following persons are exempt from special tax as wholesale dealers in liquors—

(i) A retail dealer in liquors who commingles sales of beer or wine, or both, to a limited retail dealer at the place where such retail dealer in liquors has paid the special tax as such dealer for the current fiscal year,

(ii) A retail dealer in beer who commingles sales of beer to a limited retail dealer at the place where such retail dealer in beer has paid the special tax as such dealer for the current fiscal year, or

(iii) A person who is exempt from such tax under the provision of §§ 194.181-194.184.

(2) A wholesale dealer in liquors who has paid the special tax as such dealer at the place, or places, from which he conducts his selling operations is exempt from additional special tax on account of his sales of beer or wines to other dealers at the places of business of such dealers.

(72 Stat. 1340, 1344; 26 U.S.C. 5111, 5112, 5113, 5123)

§ 194.25 Retail dealer in beer.

(a) *General.* Every person who sells or offers for sale beer, but not distilled spirits or wines, to any person other than a dealer is, except as provided in paragraph (b) of this section, a retail dealer in beer. Every retail dealer in beer shall pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be retail dealers in beer.* The following persons

are not deemed to be retail dealers in beer within the meaning of chapter 51, I.R.C., and are not required to pay a special tax as such dealer—

(1) A limited retail dealer as specified in § 194.27, or

(2) A person who only sells or offers for sale beer, but not distilled spirits or wines, as provided in §§ 194.188-194.189 or 194.191(a).

(c) *Persons exempt from special tax.* The following persons are exempt from special tax as retail dealers in beer—

(1) A wholesale dealer in beer selling or offering for sale beer, but not distilled spirits or wines, whether to dealers or persons other than dealers, at any place where such wholesale dealer in beer is required to pay special tax as such dealer.

(2) A person who is exempt from such tax under the provisions of §§ 194.181, 194.184, or 194.187.

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5113, 5121, 5122)

§ 194.26 Wholesale dealer in beer.

(a) *General.* Every person who sells or offers for sale beer, but not distilled spirits or wines, to another dealer is, except as provided in paragraph (b) of this section, a wholesale dealer in beer. Every wholesale dealer in beer is required to pay special tax at the rate specified in § 194.101 for such dealer, unless such dealer is exempt from such special tax as provided in paragraph (c) of this section.

(b) *Persons not deemed to be wholesale dealers in beer.* The following persons are not deemed to be wholesale dealers in beer within the meaning of chapter 51, I.R.C., and are not required to pay special tax as such dealer—

(1) A person who only sells or offers for sale beer, but not distilled spirits or wines, as provided in §§ 194.188-194.189 or 194.192, or

(2) A person returning beer for credit, refund or exchange as provided in § 194.193.

(c) *Persons exempt from special tax.* (1) The following persons are exempt from special tax as wholesale dealers in beer—

(i) A retail dealer in liquors who commingles sales of beer or wines, but not distilled spirits, to a limited retail dealer at the place where such retail dealer in liquors has paid the special tax as such dealer for the current fiscal year,

(ii) A retail dealer in beer who commingles sales of beer to a limited retail dealer at the place where such retail dealer in beer has paid the special tax as such dealer for the current fiscal year, or

(iii) A person who is exempt from such tax under the provisions of §§ 194.181 and 194.184.

(2) A wholesale dealer in beer who has paid the special tax as such dealer at the place, or places, from which he conducts his selling operations is exempt from additional special tax on account of his sales of beer to other dealers at the places of business of such dealers.

(72 Stat. 1340, 1344; 26 U.S.C. 5111, 5112, 5113, 5123)

§ 194.27 Limited retail dealer; persons eligible.

Each person desiring to sell beer or wine, or both, to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and any fraternal, civic, church, labor, charitable, benevolent, or ex-servicemen's organization desiring to sell beer or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, shall obtain from the district director, for each calendar month in which sales are to be made, a special tax stamp as a limited retail dealer in liquors: *Provided*, That no person or organization otherwise engaged in business as a dealer shall procure such limited special tax stamp. Application on Form 11 and payment of special tax at the rate specified in § 194.101 shall be submitted to the district director before any sales are made. If requested on Form 11, the district director may issue the special tax stamp under the designation of (a) limited retail dealer in wine, if wine only is to be sold, or (b) limited retail dealer in beer, if beer only is to be sold.

(72 Stat. 1344, 1346; 26 U.S.C. 5122, 5142)

§ 194.28 Sales of 20 wine gallons or more.

Any person who sells or offers for sale distilled spirits, wines, or beer, in quantities of 20 wine gallons or more, to the same person at the same time, shall be presumed and held to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, unless such person shows by satisfactory evidence that such sale, or offer for sale, was made to a person other than a dealer.

(72 Stat. 1413; 26 U.S.C. 5691)

SPECIAL TAX LIABILITY OF CERTAIN ORGANIZATIONS, AGENCIES AND PERSONS

§ 194.29 Clubs or similar organizations.

A club or similar organization shall pay special tax if such club or organization—

(a) Furnishes liquors to members under conditions constituting sale (including the acceptance of orders therefor, furnishing the liquors ordered and collecting the price thereof); or

(b) Conducts a bar for the sale of liquors on the occasion of an outing, picnic, or other entertainment (the special tax stamp of the proprietor of the premises where such bar is located will not relieve the club or organization of special tax liability); or

(c) Purchases liquors for members without prior agreement concerning payment therefor and such organization subsequently recoups.

However, special tax liability is not incurred if money is collected in advance from members for the purchase of liquors, or money is advanced for purchase of liquors on agreement with the members for reimbursement.

(72 Stat. 1340, 1343, 1344; 26 U.S.C. 5111, 5121, 5122)

§ 194.30 Restaurants serving liquors with meals.

Proprietors of restaurants and other persons who serve liquors with meals to customers, though no separate or specific charge for the liquors is made, shall pay special tax.

(72 Stat. 1344; 26 U.S.C. 5122)

§ 194.31 States, political subdivisions thereof, or the District of Columbia.

A State, a political subdivision thereof, or the District of Columbia which engages in the business of selling, or offering for sale, distilled spirits, wines, or beer is not exempt from special tax. However, no such governmental entity which has paid the applicable retail dealer special tax at its retail stores and the applicable wholesale dealer special tax at its principal office shall be required to pay additional wholesale dealer special tax at such retail stores by reason of the sale thereof of distilled spirits, wines, or beer, to dealers qualified to do business as such within the jurisdiction of such entity.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5113, 5121)

§ 194.32 Sales of denatured spirits or articles.

Any person who sells denatured spirits or any substance or preparation made with or containing denatured spirits for use, or for sale for use, for beverage purposes, or who sells any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, shall pay special tax.

(72 Stat. 1314; 26 U.S.C. 5001)

§ 194.33 Sales of alcoholic compounds, preparations, or mixtures containing distilled spirits, wines, or beer.

(a) *Special tax liability.* Special tax liability will be incurred with respect to the sale, or offering for sale, of alcoholic compounds, preparations, or mixtures containing distilled spirits, wines, or beer, unless such compounds, preparations, or mixtures are unfit for use for beverage purposes and are sold solely for use for nonbeverage purposes.

(b) *Products unfit for beverage use.* Products meeting the requirement for exemption from commodity and occupational taxes under the provisions of Part 170 of this chapter shall be deemed to be unfit for beverage purposes for the purposes of this part.

§ 194.34 Sales by agencies and instrumentalities of the United States.

Unless specifically exempt by statute, any agency or instrumentality of the United States, including post exchanges, ship's stores, ship's service stores, and commissaries, or any canteen, club, mess, or similar organization operated under regulations of any such agency or instrumentality, which sells, or offers for sale, distilled spirits, wines, or beer shall pay special tax as a dealer in liquors or as a dealer in beer, as the case may be, for carrying on such business.

(72 Stat. 1340, 1343, 1347; 26 U.S.C. 5111, 5121, 5143)

§ 194.35 Warehouse receipts covering spirits.

Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person who sells or offers for sale warehouse receipts for spirits held or stored in a distilled spirits plant, customs bonded warehouse, or elsewhere, is required to file a special tax return and pay special tax as a wholesale dealer in liquors, or as a retail dealer in liquors, as the case may be, at the place where such warehouse receipts are sold, or offered for sale, unless exempt by the provisions of Subpart L of this part.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

Subpart D—Administrative Provisions

§ 194.41 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings of the forms and the instructions thereon or issued in respect thereto, and as required by this part.

§ 194.42 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises (including places of storage) of any dealer for the purpose of inspecting or examining any records or other documents required to be kept by such dealer under this part and any distilled spirits, wines, or beer kept or stored by such dealer on such premises.

(72 Stat. 1348; 26 U.S.C. 5148)

Subpart E—Places Subject to Special Tax

§ 194.51 Special tax liability incurred at each place of business.

Except as provided in Subpart L of this part, liability to special tax is incurred at each and every place where distilled spirits, wines, or beer are sold or offered for sale: *Provided*, That the term "place" as used in this section means the entire office, plant or area of the business in any one location under the same proprietorship; and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require the payment of additional special tax, if the various divisions are otherwise contiguous.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.52 Place of sale.

The place at which ownership of liquors is transferred, actually or constructively, is the place of sale.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.53 Place of offering for sale.

Liquors are offered for sale (a) at the place where they are kept for sale and where a sale may be effected, or (b) at any place where sales are consummated. Liquors are not offered for sale by sending abroad an agent to take orders, or by establishing an office for the mere pur-

pose of taking orders, provided in each case the orders received are transmitted to the principal for acceptance at the place where he holds a special tax stamp or is exempt from special tax as provided in Subpart L of this part.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.54 Places of storage; deliveries therefrom.

Special tax is not required to be paid for warehouses and similar places which are used by dealers merely for the storage of liquors and are not places where orders for liquors are accepted. Where orders for liquors are received and duly accepted at a place where the dealer holds the required special tax stamp, the subsequent actual delivery of the liquors from a place of storage does not require the payment of special tax at such place of storage. Except as provided in §§ 194.185 and 194.186, a dealer holding a special tax stamp at a given place, who makes actual delivery of liquors from a warehouse at another place, without prior constructive delivery by the acceptance of an order therefor at the place covered by the special tax stamp, shall pay special tax at the place where ownership of the liquors is transferred.

(72 Stat. 1340, 1347; 26 U.S.C. 5113, 5143)

§ 194.55 Caterers.

Where the contract of a caterer for the furnishing of a dinner, including liquors, is made at his place of business where he holds a special tax stamp, no liability to special tax is incurred by the serving of the liquors at a different location.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.56 Peddling.

No person shall peddle distilled spirits, wines, or beer, except as provided in §§ 194.126, 194.185, and 194.186. Persons peddling liquors and not meeting the exemptions specified in §§ 194.126, 194.185, and 194.186 are required to pay special tax at each place where sales are consummated.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

SALES IN TWO OR MORE AREAS ON THE SAME PREMISES

§ 194.57 General.

Where liquors are sold by a proprietor in two or more areas within his place of business, only one special tax stamp is required. Where the proprietor lets to another person or persons the privilege of selling liquors in two or more areas within his place of business, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, each such person shall pay but one special tax.

§ 194.58 Hotels.

The proprietor of a hotel who conducts the sale of liquors throughout the hotel premises shall pay but one special tax. For example, different areas in a hotel such as banquet rooms, meeting rooms, guest rooms, or other such areas, operated by the proprietor, collectively constitute a single place of business. Where any concessionaire conducts the sale of

liquors at two or more areas in a hotel, such areas shall be regarded as a single place of business, and he shall pay but one special tax.

§ 194.59 Ball park, race track, etc.; sales throughout the premises.

The proprietor of a ball park, race track, stadium, pavilion, or other similar enclosure constituting one premises, who engages in the business of selling liquors throughout such enclosure, including sales from baskets or containers by his employees in his behalf, shall pay but one special tax for such enclosure. Each concessionaire having the same privilege throughout the enclosure, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, or concessionaires, shall pay but one special tax for such enclosure.

(72 Stat. 1347; 26 U.S.C. 5143)

Subpart F—Each Business Taxable

§ 194.71 Different businesses of same ownership and location.

Where more than one taxable business is conducted by the same person at the same place, special tax for each business shall be paid at the rates severally prescribed, except as provided in §§ 194.24 and 194.26.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.72 Dealer in beer and dealer in liquors at the same location.

A dealer who pays the special tax as a retail dealer in beer, begins the retail sale of beer, and thereafter, at the same location, during the same or a subsequent month, intends to begin the retail sale of distilled spirits or wine (a different business under § 194.23) shall, in addition, pay the special tax as a retail dealer in liquors before commencing the sale, or offering for sale, of distilled spirits or wine. Likewise, a dealer who has paid the special tax as a wholesale dealer in beer, and thereafter, at the same location, during the same or a subsequent month, intends to begin the wholesale sale of distilled spirits or wine (a different business under § 194.24) shall, in addition, pay the special tax as a wholesale dealer in liquors before commencing the sale, or offering for sale, of distilled spirits or wine.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.73 Mixing cocktails.

Any dealer who mixes cocktails, or compounds any alcoholic liquors in advance of sale, except for the purpose of filling, for immediate consumption on the premises, orders received at the bar or in the expectation of the immediate receipt of such orders, shall pay special tax as a rectifier. Liquor bottles shall not be used as receptacles for such cocktails.

(72 Stat. 1338, 1347, 1374; 26 U.S.C. 5081, 5143, 5301)

Subpart G—Partnerships

§ 194.91 Liability of partners.

Any number of persons carrying on one business in partnership at any one place during any fiscal year shall be re-

quired to pay but one special tax for such business.

(72 Stat. 1347; 26 U.S.C. 5143)

§ 194.92 Addition of partners or incorporation of partnership.

Where a number of persons who have paid special tax as partners admit one or more new members to the firm or form a corporation (a separate legal entity) to take over the business, the new firm or corporation shall pay special tax before commencing business.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.93 Formation of a partnership by two dealers.

Where two persons, each holding a special tax stamp for a business carried on by himself, form a partnership, the firm shall pay special tax to cover the business conducted by the partnership.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.94 Withdrawal of one or more partners.

When one or more partners withdraw from a partnership which has paid special tax, the remaining partner, or partners, may file with the district director a notice of succession to the partnership business within 30 days after the change in control, as provided in § 194.169, and carry on the same business at the same address for the remainder of the taxable period for which special tax was paid without paying additional special tax. However, where the remaining partner, or partners, do not file such timely notice of succession, they are required to pay special tax, as provided in § 194.170.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

Subpart H—Payment of Special Tax

§ 194.101 Special tax rates.

Special (occupational) taxes are imposed on dealers in liquors and beer at the following rates—

(a) *Annual (fiscal year) rates:*

Wholesale dealer in liquors (spirits, wines, beer)-----	\$255.00
Wholesale dealer in beer (beer only)-----	123.00
Retail dealer in liquors (spirits, wines, beer)-----	54.00
Retail dealer in beer (beer only) --	24.00

(b) *Monthly (calendar month) rate:*

Limited retail dealer (wine, beer)----	\$2.20
--	--------

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.102 Date special tax is due.

Special taxes shall be paid on or before July 1 of each year, or before engaging in business.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.103 Computation of special tax.

In the case of a person engaged in a business subject to special tax during the month of July, the special tax liability shall be reckoned for the entire fiscal year beginning July 1 and ending June 30 following. Where business is commenced subsequent to July, the liability shall be reckoned proportionately from the first day of the month in which the

liability to a special tax commenced to June 30 following. For example, a person commencing business in August is liable to special tax for 11 months, or eleven-twelfths of the annual tax.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.104 Filing return and payment of special tax.

(a) *Time for filing return.* Every person who intends to engage in a business subject to special tax under the provisions of this part shall, on or before the date such business is commenced, render a special tax return, Form 11, with remittance of tax to the district director of the district in which the business is to be carried on. The Form 11 and remittance of a dealer continuing business into a new fiscal year shall be rendered on or before July 1 of the new fiscal year.

(b) *Returns filed by mail.* Where the return and remittance are received in the mail and the United States postmark on the cover shows that it was deposited in the mail in the United States within the time prescribed for filing, or within any extension of such time, in an envelope or other appropriate wrapper which was properly addressed with postage prepaid, the return shall be considered as timely filed. In the event the last day for filing the return falls on a Saturday, Sunday, or legal holiday (of the District of Columbia or on a statewide legal holiday of the particular State where such return is required to be filed) a postmark showing the next succeeding day which is not a Saturday, Sunday, or such legal holiday, shall be considered evidence of timely filing. If the postmark is not legible, the sender has the burden of proving the date when the postmark was made. When registered mail is used the date of registration shall be accepted as the postmark date.

(68A Stat. 732, 749, 72 Stat. 1346; 26 U.S.C. 6011, 6071, 5142)

§ 194.105 Method of payment.

Payment of special tax shall be made in cash, or by check or money order payable to "Internal Revenue Service." If a check or money order so tendered is not honored when presented for payment, the person who tendered such check or money order shall remain liable for the payment of the special tax, and for all penalties and additions, to the same extent as if the check or money order had not been tendered. In addition, unless the person who tendered the check or money order can show that such check or money order was issued in good faith, and with reasonable cause to believe that it would be duly paid, there shall be paid as penalty an amount equal to 1 percent of the amount of the check or money order, except that if the amount of the check or money order is less than \$500, the penalty shall be \$5, or the amount of the check or money order, whichever is lesser.

(68A Stat. 777, 826; 26 U.S.C. 6311, 6657)

SPECIAL TAX RETURN, FORM 11

§ 194.106 Data required.

Special tax returns shall be made on Form 11, which may be procured from

the district director of internal revenue. The dealer shall disclose in the spaces provided on the return—

(a) Where the dealer is an individual or a corporation, the true name of such individual or corporation;

(b) In the case of a partnership, the true name of each and every person comprising the partnership;

(c) Where a trade name is used, the exact trade name under which the business is conducted, in addition to information required in paragraphs (a) or (b) of this section;

(d) The exact location of the place of business, by name and number of building or street or, where these do not exist, by some particularization in addition to the post office address;

(e) The kind of liquor business carried on, as classified in §§ 194.23–194.27;

(f) All other information provided for on the form.

(68A Stat. 732, 846; 26 U.S.C. 6011, 7011)

§ 194.107 Execution of Form 11.

The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by a duly authorized officer thereof: *Provided*, That any individual, partnership, or corporation may appoint an agent to sign in his behalf. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," "agent," "attorney-in-fact" or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a dealer by reason of death, insolvency, or other circumstances, shall indicate the fiduciary capacity in which they act. Returns signed by persons, as agents or attorneys-in-fact, will not be accepted unless, in each instance, the principal named on the return has executed a power of attorney authorizing such person to sign the return, and such power of attorney is filed with the district director. Form 11 shall be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U.S.C. 6061, 6065)

§ 194.108 Extensions of time for filing returns.

The district director may, before the tax is due and payable, grant such reasonable extension of time for the filing of Form 11 as he deems proper. Application for extension of time shall be made in writing to the district director of the district in which the business is located, and shall contain a full recital of the causes of delay. Except in the case of taxpayers who are abroad, no such extension shall be more than 6 months.

(68A Stat. 751; 26 U.S.C. 6081)

§ 194.109 Penalty for failure to file return.

Any person required by this part to file a return on Form 11 who fails to file the return on or before the last date prescribed in § 194.104 shall pay, as an addition to the tax, a delinquency penalty,

unless it is shown that such failure is due to reasonable cause and not due to willful neglect: *Provided*, That where an extension of time for the filing of the return has been granted under § 194.108, the taxpayer shall not be held to be delinquent until he has failed to file the return within such extension of time. The delinquency penalty for failure to file the return on or before the last date prescribed (determined with regard to any extension of time for filing) shall be 5 percent of the amount required to be shown as tax on the return if the failure is for not more than one month; with an additional 5 percent for each additional month or fraction thereof during which such delinquency continues, but not more than 25 percent in the aggregate.

(68A Stat. 821; 26 U.S.C. 6651)

§ 194.110 Interest on unpaid tax.

Interest at the rate of 6 percent per annum is due on delinquent special tax from the date the tax is required to be paid to the date paid.

(68A Stat. 817; 26 U.S.C. 6601)

DELINQUENT RETURNS

§ 194.111 Delinquency penalty.

In every case where a special tax return is not filed at the time prescribed in § 194.104, or within any extension of time granted under § 194.108, the delinquency penalty specified in § 194.109 will be asserted and collected unless a reasonable cause for delay in filing the return is clearly established. A dealer who believes the circumstances which delayed his filing of the return are reasonable, and who desires to have the delinquency penalty waived, shall submit with his return a written statement under the penalties of perjury, affirmatively showing all of the circumstances alleged as reasonable causes for delay. If such return and statement are submitted to the district director, the district director shall determine whether the delay in filing was due to reasonable cause; if delivered to an internal revenue officer working under supervision of the assistant regional commissioner, the assistant regional commissioner shall make the determination. Any reason which appeals to a man of ordinary prudence and intelligence as a reasonable cause for the delay and which clearly shows no willful intent to avoid the provisions of the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(68A Stat. 821; 26 U.S.C. 6651)

Subpart I—Special Tax Stamps

§ 194.121 Issuance of stamps.

Upon receipt of a return properly executed on Form 11, together with a remittance in the proper amount, the district director will issue an appropriately designated stamp to the taxpayer. Special tax stamps will not be issued until the tax is fully paid.

(72 Stat. 1348; 26 U.S.C. 5144)

§ 194.122 Receipt in lieu of stamp prohibited.

No receipt shall be issued in lieu of a special tax stamp. A receipt may be

given only pending the issuance of a stamp, or where the tax liability relates to a prior fiscal year.

(68A Stat. 778; 26 U.S.C. 6314)

§ 194.123 Stamps covering business in violation of State law.

District directors are without authority to refuse to issue a special tax stamp to a liquor dealer engaged in business in violation of State law. The stamp is not a Federal permit or license, but is merely a receipt for the tax. The stamp affords the holder no protection against prosecution for violation of State law.

(72 Stat. 1348; 26 U.S.C. 5145)

§ 194.124 Stamps for passenger trains, aircraft, and vessels.

Special tax stamps may be issued to persons who will carry on the business of retail dealers in liquors or retail dealers in beer, on trains, aircraft, boats or other vessels, engaged in the business of carrying passengers. The stamps shall be issued in general terms "In the United States." A dealer holding a stamp for such business may transfer it from one passenger carrier to another on which he conducts his business, without registering the transfer with a district director, and he may conduct such business throughout the passenger carrying train, aircraft, boat or other vessel, to which the stamp is transferred, and on which posted.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.125 Carriers not engaged in passenger service.

Except as provided in § 194.126, a special tax stamp may not be issued for the retailing of liquor on any railroad train, aircraft, or boat that is not engaged in the business of carrying passengers.

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.126 Stamps for supply boats or vessels.

Special tax stamps may be issued to persons carrying on the business of a retail dealer in liquor or a retail dealer in beer on supply boats or vessels operated by them, when such persons operate from a fixed address in a port or harbor and supply exclusively boats or other vessels, or persons thereon, at such port or harbor. Any person desiring to obtain a special tax stamp for such business shall specify on the Form 11 filed with the district director, or on an attachment thereto, (a) that the business will consist of supplying exclusively boats, vessels, or persons thereon, (b) the name of the port or harbor at which the business is to be carried on, and (c) the fixed address from which operations are to be conducted. Where such sales are to be made from two or more supply boats or vessels, the dealer shall pay special tax and obtain a special tax stamp for each boat or vessel on which he will make such sales simultaneously; however, the dealer may transfer any such stamp from any boat or vessel on which he discontinues such sales to any other boat or vessel on which he proposes to conduct such business, without

registering the transfer with a district director. Special tax stamps issued for such retailing of liquors shall bear, in addition to the dealer's occupational classification, the phrase "on supply boats," and in the lower margin the notation, "Covers supplying exclusively of boats or vessels, or persons thereon, at the Port (or Harbor) of -----"

(72 Stat. 1344, 1347; 26 U.S.C. 5123, 5143)

§ 194.127 Stamps for retail dealers "At Large."

A retail dealer in liquors or a retail dealer in beer whose business requires him to travel from place to place in different States of the United States, such as those who sell at carnivals or circuses, may obtain a special tax stamp "At Large" covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or a retail dealer in beer, as required by his business. A dealer desiring such stamp shall state on his special tax return, Form 11, or on an attached statement, the nature of his business and the reason he requires a special tax stamp "At Large." Unless satisfied that the business of the dealer requires him to travel in more than one State, the district director will not issue a stamp "At Large" to the applicant.

(72 Stat. 1344; 26 U.S.C. 5123)

STAMPS FOR DEALERS IN WINES ONLY, OR WINES AND BEER ONLY

§ 194.128 General.

Retail and wholesale dealers in liquors who sell or offer for sale wines only, or wines and beer only, may obtain stamps as retail or wholesale dealers in liquors, as the case may be, under the following designations upon application and payment of special tax at the annual (fiscal year) rates indicated:

Retail dealer in wines-----	\$54.00
Retail dealer in wines and beer-----	54.00
Wholesale dealer in wines-----	255.00
Wholesale dealer in wines and beer--	255.00

A retail dealer who holds a stamp under one of the designations above may make retail sales of distilled spirits, and a wholesale dealer who holds a stamp under one of the wholesale dealer designations may make sales of distilled spirits to dealers or others, without paying additional special tax. Dealers holding such stamps are subject to all provisions of internal revenue law and regulations relating to retail dealers in liquors and wholesale dealers in liquors.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.129 Stamps not exchangeable.

The holders of special tax stamps as dealers in wines only, or dealers in wine and beer only, may not exchange them for the regular retail and wholesale liquor dealer stamps. In the absence of specific demand or application for such stamps, district directors shall issue the regular stamps to persons paying special tax as retail or wholesale dealers in liquors.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

MEDICINAL SPIRITS DEALER STAMPS

§ 194.130 Stamps for drug stores and pharmacies selling through licensed pharmacists.

Proprietors of retail drug stores and pharmacies making retail sales of distilled spirits through duly licensed pharmacists may procure stamps under the designation of "Medicinal Spirits Dealer" upon application and payment of special tax at the \$54 annual rate. The holders of such stamps are subject to all provisions of internal revenue laws relating to retail dealers in liquors. District directors shall, in the absence of specific demand or application for such stamps, issue the regular retail liquor dealer special tax stamps.

(72 Stat. 1343; 26 U.S.C. 5121)

STAMP TO BE POSTED

§ 194.131 General.

A dealer shall conspicuously display his special tax stamp in his place of business. A dealer holding a special tax stamp as a retail dealer in liquors or a retail dealer in beer "At Large" or "In the United States" shall place and keep the stamp conspicuously posted where he is conducting such business.

(68A Stat. 831; 26 U.S.C. 6806)

MISSING STAMPS

§ 194.132 Lost or destroyed.

If a special tax stamp has been lost or destroyed, the dealer shall immediately notify the district director. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the dealer who submits an affidavit showing to the satisfaction of the district director that the stamp was lost or destroyed. The certificate shall be posted in lieu of the stamp, otherwise, liability for failure to post the stamp will be incurred.

§ 194.133 Seizure by State authorities.

Where a stamp designated "Retail Dealer in Liquors" is seized by State authorities because it does not conform to the dealer's local license or permit (wine, or wine and beer), the district director will, on request, issue a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" to show that the dealer has paid special tax as a "Retail Dealer in Wine" or "Retail Dealer in Wines and Beer," as the case may require.

CORRECTION OF ERRORS ON SPECIAL TAX STAMPS

§ 194.134 Errors disclosed by taxpayers.

On receipt of a special tax stamp, the dealer will examine it to insure that the name and address are correctly stated; if not, the taxpayer will return the stamp to the district director with a statement showing the nature of the error and the correct name or address. The district director, on receipt of such stamp and statement, will compare the data on the stamp with that on the Form 11 in his files, correct the error if made in his office, and return the stamp to the taxpayer. However, if the error was in the taxpayer's preparation of the Form 11,

the district director will require such taxpayer to file a new Form 11, designated "Amended Return," setting forth the taxpayer's correct name and address, and a statement explaining the error on the original Form 11. On receipt of the amended Form 11, and a satisfactory explanation of the error, the district director will make the proper correction on the stamp and return it to the taxpayer.

§ 194.135 Errors discovered on inspection.

When an internal revenue officer discovers a material error on a special tax stamp in the name, ownership, or address of the dealer, he will secure from the dealer a new Form 11, designated "Amended Return," showing correctly all of the information required in § 194.106 and, in the body of the form or in an attachment thereto, a statement of the reason for requesting correction of the stamp. On receipt of the amended return and an acceptable explanation for the error, the officer will make the proper correction on the stamp and return it to the taxpayer.

STAMPS FOR INCORRECT PERIOD OR INCORRECT LIABILITY

§ 194.136 General.

Where a dealer through error has filed a return and paid special tax for an incorrect period of liability or incorrect class of business, he shall prepare a correct Form 11 for each taxable year involved, designating it as an "Amended Return," and submit the amended return, or returns, with remittance for the total tax and additions to the tax (delinquency penalties and interest) incurred, to the district director or, if the error is discovered by an internal revenue officer, to such officer: *Provided*, That, subject to the limitations imposed by section 6511, I.R.C., the tax (including additions thereto) paid for the incorrect period of liability or incorrect class of business may be allowed as a credit against the correct tax (including any additions thereto) as provided in § 194.137 or § 194.139 on surrender of the incorrect stamp or stamps with the amended return or returns noted to show that credit is requested. Tax (including additions thereto) paid for a stamp for an incorrect period of liability or incorrect class of business which is not credited as provided in § 194.137 or § 194.139, including any creditable tax and additions thereto in excess of the correct tax (including additions thereto), may be refunded pursuant to the provisions of Subpart M of this part where the dealer has filed a correct return on Form 11 with remittance for the correct amount of tax (including any additions thereto). A new stamp will be issued only in respect of a current period of liability.

(68A Stat. 732; 26 U.S.C. 6011)

§ 194.137 Credit by an internal revenue officer.

Where the internal revenue officer discovers that tax was paid for an incorrect class of business for a correct period of liability and examination of the incor-

rect stamp discloses that no additions to the tax were collected, he may, where the correct tax (including any additions thereto) exceeds the incorrect tax paid, credit the tax paid against such correct tax on receipt by him of an amended Form 11, as provided in § 194.136, remittance of the difference between the tax paid and the correct tax plus any additions thereto, and the incorrect stamp. The district director will issue a correct stamp if the additional tax collected is for a current year.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

§ 194.138 Receipt for taxes on Form 809.

Every internal revenue officer to whom a dealer delivers a remittance in payment of special tax and any additions thereto shall issue to the dealer a receipt on Form 809 for the tax (penalties and interest, if any) covered by the remittance.

§ 194.139 Credit by district director.

The district director may credit the tax (including additions thereto) paid for an incorrect stamp on receipt by him of an amended return as provided in § 194.136 together with the incorrect stamp surrendered for credit and remittance for the difference between such incorrect tax and the correct tax (including any additions thereto) and, if the liability is for the current year, issue a correct stamp. Where the tax (and additions thereto) paid for the incorrect stamp surrendered exceeds the amount due, the district director shall advise the dealer to file claim for refund of such excess on Form 843. The applicable provisions of Subpart M of this part shall govern claims for refund.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

RECORD 10

§ 194.140 Public list of taxpayers.

The district director shall maintain and keep in his office on Record 10, for public inspection, a list of all persons who have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

(68A Stat. 756; 26 U.S.C. 6107)

§ 194.141 Use of Record 10.

All persons shall be entitled to inspect Record 10 in the district director's office, at reasonable and proper times, and are not prohibited from copying the names and addresses of special-tax payers, but no person shall use the record to the extent of interfering with the district director's use thereof, or unduly to the exclusion of other persons.

(68A Stat. 756; 26 U.S.C. 6107)

§ 194.142 Furnishing copy of Record 10.

Upon application of any prosecuting officer of any State, county, or municipality, the district director shall furnish a certified copy of Record 10, or such portions thereof as may be requested, for which a fee of \$1 for each 100 words or fraction thereof in the copy or copies so requested shall be charged.

(68A Stat. 756; 26 U.S.C. 6107)

Subpart J—Change of Location

§ 194.151 Amended return, Form 11; endorsement on stamp.

A dealer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified on his original special tax return on Form 11, and stated on his special tax stamp, shall, within 30 days from the date he begins to carry on such business at the new location, register the change with the district director who issued the stamp, by filing a new return on Form 11, designated "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the district director for endorsement of the change in location: *Provided*, That the dealer may deliver the amended return and the stamp at any internal revenue branch office, or to any internal revenue officer inspecting the business, in lieu of submitting them directly to the district director. The district director or the internal revenue officer receiving such return and stamp shall, if the return is submitted to him within the 30-day period, enter the proper endorsement on the stamp and return it to the taxpayer.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 194.152 Failure to register change of address within 30 days.

A dealer who removes his business to a place other than that stated on his special tax stamp and fails to register such removal with the district director within 30 days from the date he begins to carry on such business at the new location is required to pay special tax, and interest on the amount required to be shown on the return as tax, just as if he were engaging in business for the first time (as to liability for delinquency penalty see § 194.109). The amount of tax, delinquency penalty, and interest to be paid shall be computed as provided in §§ 194.103, 194.109, and 194.110, respectively.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 194.153 Certificate in lieu of lost or destroyed special tax stamp.

The provisions of this part shall apply to certificates in lieu of lost or destroyed special tax stamps issued to taxpayers under the provisions of §§ 194.132 and 194.133.

Subpart K—Change in Proprietorship or Control

§ 194.161 Sale of business.

A special tax stamp is a receipt for tax, personal to the one to whom issued, and is not transferable from one dealer to another. Where there occurs a change in the proprietorship of a business for which special tax has been paid, the successor shall pay special tax and procure a special tax stamp for such business, except as provided in § 194.169.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.162 Incorporation of business.

Where an individual or a firm engaged in business requiring payment of special tax forms a corporation to take over and conduct the business, the corporation (a separate legal entity) shall pay special tax and procure a stamp in its own name.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.163 New corporation.

Where a new corporation is formed to take over and conduct the business of one or more corporations which have paid special tax, the new corporation shall pay special tax and procure a stamp in its own name.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.164 Stockholder continuing business of corporation.

A special tax stamp held by a corporation as a dealer in liquors, or as a dealer in beer, cannot cover the same business carried on by one or more of its stockholders after dissolution of the corporation.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.165 Change in trade name or style of business.

A dealer who has paid the special tax for his business at a given location is not required to pay additional special tax by reason of a mere change in the trade name or style under which he conducts such business, or by reason of a change in management which involves no change in proprietorship of the business.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.166 Change of name or increase in capital stock of a corporation.

Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if a new corporation is not created under the laws of the State of incorporation.

(72 Stat. 1340, 1343; 26 U.S.C. 5111, 5121)

§ 194.167 Change in ownership of capital stock.

Additional special tax is not required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation.

§ 194.168 Change in membership of unincorporated club.

Additional special tax is not required of an unincorporated club by reason of changes in membership, where such changes do not result in the dissolution thereof and the formation of a new club.

§ 194.169 Change of control, persons having right of succession.

Certain persons other than the special-tax payer may, without paying additional special tax, secure the right to carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. Such persons are—

(a) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased dealer;

(b) A husband or wife succeeding to the business of his or her living spouse;

(c) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors; and

(d) The partner or partners remaining after death or withdrawal of a member of a partnership.

In order to secure such right, the person or persons continuing the business shall file with the district director who issued the stamp, within 30 days from the date on which the successor begins to carry on the business, an amended special tax return on Form 11, showing the basis of the succession, and shall surrender the unexpired special tax stamp for endorsement of the change in control: *Provided*, That the person succeeding to the business may deliver the amended return and stamp at any internal revenue branch office, or to any internal revenue officer inspecting the business, in lieu of submitting them to the district director. If the applicant has the right of succession and the return and stamp are submitted on time, the district director or the internal revenue officer receiving them will enter the proper endorsement on the stamp and return it to the successor.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

§ 194.170 Failure to perfect right of succession within 30 days.

A person who would have had the privilege of succeeding, as provided in § 194.169, to a business for which the special tax had been paid for the remainder of the taxable period but failed to register such succession within 30 days from the date he began to carry on such business is required to pay special tax, and interest on the amount required to be shown on the return as tax, just as if he were engaging in a new business (as to liability for delinquency penalty see § 194.109). The amount of tax, delinquency penalty, and interest to be paid shall be computed as provided in §§ 194.103, 194.109, and 194.110.

(68A Stat. 846, 72 Stat. 1347; 26 U.S.C. 7011, 5143)

Subpart L—Exemptions and Exceptions

PERSONS EXEMPT FROM LIQUOR AND BEER DEALER SPECIAL TAXES

§ 194.181 Single sale of liquors or warehouse receipts.

A single sale of distilled spirits, wines, or beer, or a single sale of one or more warehouse receipts for distilled spirits, unattended by circumstances showing the person making the sale to be engaged in the business, does not subject the vendor to special tax.

(72 Stat. 1340, 1343, 1346; 26 U.S.C. 5111, 5121, 5142)

§ 194.182 Proprietors of distilled spirits plants selling certain distilled spirits or wines.

(a) *Exemption of proprietor.* No proprietor of a distilled spirits plant shall be required to pay special tax as a wholesale or retail dealer in liquors on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his distilled

spirits plant, of distilled spirits or wines which, at the time of sale, are stored at his distilled spirits plant, or had been removed from such plant to a taxpaid storeroom the operations of which are integrated with the operations of such plant and which is contiguous or adjacent to, or in the immediate vicinity of, such plant. However, no such proprietor shall have more than one place of sale, as to each plant, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere, it will be presumed that the exemption is claimed at the plant where the spirits or wines are stored. If the proprietor wishes to be exempt from payment of special tax with respect to sales at his principal business office rather than for sales at his plant, he shall notify the assistant regional commissioner of the region in which the plant is located of his intention. Such notice shall be in writing, on letter size paper and shall be submitted in triplicate. On approval, two copies will be returned to the proprietor, one to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the plant, special tax shall be paid at the plant if sales are made thereat.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.183 Proprietors of bonded wine cellars selling certain wines or wine spirits.

(a) *Exemption of proprietor.* No proprietor of a bonded wine cellar shall be required to pay special tax as a wholesale or retail dealer in liquors on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his bonded wine cellar, of wines or wine spirits which, at the time of sale, are stored at his bonded wine cellar, or had been removed from such bonded wine cellar to a taxpaid storeroom the operations of which are integrated with the operations of such bonded wine cellar and which is contiguous or adjacent to, or in the immediate vicinity of, such bonded wine cellar. However, no such proprietor shall have more than one place of sale, as to each bonded wine cellar, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere, it will be presumed that the exemption is claimed at the bonded wine cellar where the wines or wine spirits are stored. If the proprietor wishes to be exempt from special tax with respect to sales at his principal office rather than for sales at his bonded wine cellar, he shall notify the assistant regional commissioner of the region in which the bonded wine cellar is located of his intention. Such notice shall be in writing, on letter size paper and shall be submitted in triplicate. On approval two copies will be returned to the proprietor, one to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the bonded wine cellar, special tax

shall be paid at the bonded wine cellar if sales are made thereat.

(c) *Exception.* Where the proprietor of a bonded wine cellar consummates sales of wines to other dealers at the purchasers' places of business, through a delivery route salesman or otherwise, the proprietor of the bonded wine cellar is required to pay special tax as a wholesale dealer in liquors (or wines) at each place from which he conducts such selling operations.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.184 Proprietors of breweries selling beer stored at their breweries.

(a) *Exemption of proprietor.* No proprietor of a brewery shall be required to pay special tax as a wholesale or retail dealer in beer on account of the sale at his principal business office as designated in writing to the assistant regional commissioner, or at his brewery, of beer which, at the time of sale, is stored at his brewery, or had been removed from such brewery to a taxpaid storeroom the operations of which are integrated with the operations of such brewery and which is contiguous or adjacent to, or in the immediate vicinity of, such brewery. However, no such proprietor shall have more than one place of sale, as to each brewery, that shall be exempt from special tax under this section.

(b) *Place of exemption.* Unless the exemption is claimed elsewhere, it will be presumed that the exemption is claimed at the brewery where the beer is stored. If the proprietor wishes to be exempt from special tax with respect to sales at his principal office rather than for sales at his brewery, he shall notify the assistant regional commissioner of the region in which the brewery is located of his intention. Such notice shall be in writing, on letter size paper and shall be submitted in triplicate. On approval, two copies will be returned to the proprietor, one to be filed at the principal office, and the original will be retained by the assistant regional commissioner. Where the exemption is claimed for a place other than the brewery, special tax shall be paid at the brewery if sales are made thereat.

(c) *Exception.* Where the proprietor of a brewery consummates sales of beer to dealers at the purchasers' places of business (through delivery route salesmen or otherwise), such proprietor is required to pay special tax as a wholesale dealer in beer at each place from which he conducts such selling operations.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.185 Wholesale dealers in liquors consummating sales of wines or beer at premises of other dealers.

(a) *Sales of wines.* Any wholesale dealer in liquors (including the proprietor of a bonded wine cellar) who has paid special tax as a wholesale dealer in liquors for the place from which he conducts his selling operations may consummate sales of wines to other wholesale or retail dealers in liquors, or to limited retail dealers, at the purchasers' places of business without being required to pay additional special tax on account of such sales.

(b) *Sales of beer.* Any wholesale dealer in liquors who has paid the tax as provided in paragraph (a) of this section may also consummate sales of beer to wholesale or retail dealers in beer, to wholesale or retail dealers in liquors, or to limited retail dealers, at the purchasers' places of business without being required to pay additional special tax on account of such sales.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.186 Wholesale dealers in beer consummating sales at premises of other dealers.

Any dealer (including the proprietor of a brewery) who has paid special tax as a wholesale dealer in beer for the place from which he conducts his selling operations may consummate sales of beer (but not wines or distilled spirits) to other dealers at the purchasers' places of business without being required to pay additional special tax on account of such sales.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.187 Hospitals.

Hospitals and similar institutions furnishing liquors to patients are not required to pay special tax, provided no specific or additional charge is made for the liquors so furnished.

PERSONS WHO ARE NOT DEALERS IN LIQUORS OR BEER

§ 194.188 Persons making casual sales.

Certain persons making casual sales of liquors are not liquor or beer dealers within the meaning of the statute; they are as follows:

(a) Administrators, executors, receivers, and other fiduciaries who receive distilled spirits, wines, or beer in their fiduciary capacities and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons;

(b) Creditors who receive distilled spirits, wines, or beer as security for, or in payment of, debts and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons;

(c) Public officers or court officials who levy on distilled spirits, wines, or beer under order or process of any court or magistrate and sell such liquors in one parcel, or at public auction in parcels of not less than 20 wine gallons; or,

(d) A retiring partner, or representative of a deceased partner, who sells distilled spirits, wines, or beer to the incoming or remaining partner, or partners, of a partnership.

Persons making such sales are not required to pay special tax, or keep the records or reports required of dealers in Subpart O of this part.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.189 Agents, auctioneers, brokers, etc., acting on behalf of others.

Certain persons may sell liquors as agents or employees of others, or receive and transmit orders therefor to a dealer, without being considered liquor or beer dealers on account of such activities; they are as follows—

(a) Auctioneers who merely sell liquors at auction on behalf of others,

(b) Agents or brokers who merely solicit orders for liquors in the name of a principal, but neither stock nor deliver the liquors for which orders are taken,

(c) Employees who merely sell liquors on behalf of their employers, and

(d) Retail dealers in liquors or retail dealers in beer who merely receive and transmit to a wholesale dealer orders for liquors or beer to be billed, charged, and shipped to customers by such wholesale dealer.

Such persons, who have no property rights in the liquors or beer sold, may make collections for their principals and receive commissions for their services, or guarantee the payment of accounts, without being required to pay special tax. In all such cases, however, the principal is required to pay special tax at each place where sales are consummated, unless he is exempt therefrom under the provisions of this subpart.

§ 194.190 Apothecaries or druggists selling medicines and tinctures.

Apothecaries and druggists who use wines or spirituous liquors for compounding medicines and in making tinctures which are unfit for use for beverage purposes are not required to pay special tax as dealers in liquors by reason of the sale of such compounds or tinctures for nonbeverage purposes.

(72 Stat. 1328; 26 U.S.C. 5025)

§ 194.191 Persons selling products unfit for beverage use.

(a) *Vendors not deemed dealers in liquors or beer.* No person selling or offering for sale for nonbeverage purposes products classed as unfit for beverage use under the provisions of Part 170 of this chapter shall be deemed, solely by reason of such sales, to be a dealer in liquors.

(b) *Restrictions.* Any person who sells or offers for sale any nonbeverage products for use, or for sale for use, for beverage purposes, or who sells any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, shall pay special tax as a wholesale or retail dealer in liquors or as a wholesale or retail dealer in beer, as the case may be.

§ 194.192 Retail dealer selling in liquidation his entire stock.

No retail dealer in liquors or retail dealer in beer, selling in liquidation his entire stock of liquors in one parcel, or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of beer, which parcels may contain a combination of any or all such liquors, to any other dealer shall be deemed to be a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be, by reason of such sale or sales. A retail dealer making such sale or sales is not required to keep records or submit reports thereof.

(72 Stat. 1340; 26 U.S.C. 5113)

§ 194.193 Persons returning liquors for credit, refund, or exchange.

No retail dealer in liquors or beer, or other person, shall be deemed to be

a wholesale dealer in liquors or a wholesale dealer in beer, as defined in this part, by reason of his bona fide return of distilled spirits, wines, or beer, as the case may be, to the dealer from whom purchased (or to the successor of such vendor's business or line of merchandise) for credit, refund, or exchange, and the giving of such credit, refund, or exchange shall not be deemed to be a purchase within the meaning of section 5117, I.R.C., or of § 194.211 of this part. Except in the case of wholesale dealers in liquors required to keep records of their transactions under §§ 194.225 and 194.226, or retail dealers required to keep records under § 194.239, persons returning liquors as provided herein are not required to keep records or submit reports of such transactions.

(72 Stat. 1340, 1343; 26 U.S.C. 5113, 5117)

Subpart M—Refund of Special Taxes

§ 194.201 Claims.

Claims for abatement of assessment of special tax (including penalties and interest), or for refund of an overpayment of special tax (including interest and penalties), shall be filed on Form 843, in duplicate, with the district director. Each claim shall set forth in detail each ground on which it is made and shall contain facts sufficient to apprise the assistant regional commissioner of the exact basis thereof. If the claim is for refund of special tax for which a stamp was issued, such stamp shall be attached to and made a part of the claim, or the claimant shall include in his claim evidence satisfactory to the assistant regional commissioner that the stamp cannot be submitted.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

§ 194.202 Time limit on filing of claim.

No claim for the refund of a special tax or penalty shall be allowed unless presented within 3 years next after the payment of such tax or penalty.

(68A Stat. 808; 26 U.S.C. 6511)

§ 194.203 Discontinuance of business.

A dealer who for any reason discontinues business is not entitled to refund for the unexpired portion of the fiscal year for which the special tax stamp was issued.

(72 Stat. 1346; 26 U.S.C. 5142)

§ 194.204 Dealer in beer who sells distilled spirits or wines.

A person who through error pays special tax as a dealer in beer and who at the time is liable as a dealer in liquors on account of sales of distilled spirits or wines in addition to beer, and thereafter pays the special tax as a dealer in liquors for the same location and taxable period (without receiving tax credit for the special tax paid as a dealer in beer), may file a claim for refund of the special tax as a dealer in beer.

(68A Stat. 791, 808; 26 U.S.C. 6402, 6511)

§ 194.205 Dealer in liquors who actually sells only beer.

A person who through error pays special tax as a dealer in liquors but who actually sells or offers for sale beer only,

and later during the same or a subsequent month pays the special tax as a dealer in beer for the same address and taxable period, may file claim and be allowed refund of the special tax paid as a dealer in liquors.

(68A Stat. 791; 26 U.S.C. 6402)

Subpart N—Restrictions Relating to Purchases of Distilled Spirits

§ 194.211 Unlawful purchases of distilled spirits.

It is unlawful for any dealer to purchase distilled spirits for resale from any person other than—

(a) A dealer who has paid special tax as a wholesale dealer in liquors at the place where the distilled spirits are purchased;

(b) A wholesale dealer whose place of business comes within the exemptions provided by § 194.151 for changes in location and § 194.169 for changes in control;

(c) The proprietor of a distilled spirits plant who is exempt from special tax as a dealer at the place where the distilled spirits are purchased;

(d) A retail liquor store operated by a State, a political subdivision thereof, or the District of Columbia, which is not required to pay special tax as a wholesale dealer in liquors as provided in § 194.31;

(e) A person not required to pay special tax as a wholesale liquor dealer, as provided in §§ 194.188–194.190 and 194.192–194.193.

(72 Stat. 1343; 26 U.S.C. 5117)

Subpart O—Prescribed Records and Reports, and Posting of Signs

WHOLESALE DEALERS' RECORDS AND REPORTS

§ 194.221 General requirements as to distilled spirits.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall, daily, prepare records of the physical receipt and disposition of distilled spirits by him, and shall, daily, prepare a recapitulation record showing the total wine gallons if in bottles, or proof gallons if in packages, of distilled spirits received and disposed of during the day. Every wholesale dealer in liquors shall submit on Forms 52A and 52B daily or periodic reports, prepared from his records, of the physical receipt and disposition of distilled spirits by him: *Provided*, That upon application, the assistant regional commissioner may relieve a dealer from the requirement of preparing and submitting such daily or periodic reports on Forms 52A and 52B until otherwise notified, when the assistant regional commissioner finds that such reporting is not necessary to law enforcement or protection of the revenue. Every wholesale dealer in liquors who offers distilled spirits for sale shall submit a monthly report on Form 338, showing the total wine gallons if in bottles, or proof gallons if in packages, of distilled spirits (a) on hand at the beginning of the month, (b) received during the month, (c) disposed of during the month, and (d) remaining on hand at the end of the month.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

§ 194.222 Requirements as to wines and beer.

Every wholesale dealer in liquors who receives wines, or wines and beer, and every wholesale dealer in beer shall keep at his place of business a complete record of all wines and beer received, showing (a) the quantities thereof, (b) from whom received, and (c) the receiving dates. Such record, which must be kept for a period of not less than two years as prescribed in § 194.242, shall consist of all purchase invoices or bills covering wines and beer received or, at the option of the dealer, a book record containing all of the required information. Wholesale dealers are not required to prepare or submit reports to assistant regional commissioners of transactions relating to wines and beer.

(72 Stat. 1342, 1348, 1395; 26 U.S.C. 5114, 5146, 5555)

§ 194.223 Records to be kept by States, political subdivisions thereof, or the District of Columbia.

The provisions of this subpart relative to the maintenance of records and the submission of reports shall not apply to States, political subdivisions thereof, or the District of Columbia, or any liquor stores operated by such entities that maintain and make available for inspection by internal revenue officers records which will enable such officers to verify receipts of wines and beer and trace readily all distilled spirits received and disposed of by them: *Provided*, That such States, political subdivisions thereof, or the District of Columbia, and liquor stores operated by them, shall, on request of the assistant regional commissioner, furnish such transcripts, summaries, and copies of their records as he shall require.

(72 Stat. 1342, 1348, 1395; 26 U.S.C. 5114, 5146, 5555)

§ 194.224 Records to be kept by proprietors of distilled spirits plants.

Wholesale liquor dealer operations conducted by proprietors of distilled spirits plants shall be recorded and reported in accordance with the applicable provisions of Part 201 of this chapter.

(72 Stat. 1342, 1361; 26 U.S.C. 5114, 5207)

§ 194.225 Records of receipt.

Every wholesale dealer in liquors, upon the physical receipt of each individual lot or shipment of distilled spirits, shall prepare a record of receipt which shall show (a) name and address of consignor, (b) date of receipt, (c) brand name, (d) name of producer or bottler, (e) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (f) quantity actually received (showing number of packages, if any, and number of cases by size of bottle, and explaining any shortage, breakage, leakage, or other difference from the quantity shown on the commercial papers covering the shipment), and (g) serial numbers of packages and cases, unless such serial numbers are available on the consignor's invoice or attachments thereto. Additional information desired by the wholesale dealer may also be shown. All

information required to be shown on records of receipt shall be entered on such records by the close of the business day next succeeding that on which the spirits are received. Where the wholesale dealer so defers the preparation of such records, he shall keep memorandum records, prepared at the time the spirits are received, which shall show the data needed to prepare the prescribed records of receipt. Records of receipt may be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Receipt," preprinted as prescribed in § 194.228, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.228, or (3) in chronological order in a bound record book, provided all pages of such book are prenumbered as prescribed in § 194.228. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. All entries, with the exception of those prescribed for returned merchandise, shall be supported by corresponding invoices of the consignor. Credit memorandums conforming to the requirements of § 194.228 may, if desired, be used in lieu of individual looseleaf "Records of Receipt" to show the receipt of returned merchandise. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.229.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.226 Records of disposition.

Every wholesale dealer shall prepare a record covering the physical disposition of each individual lot of distilled spirits, which shall show (a) name and address of consignee, (b) date of disposition, (c) kind of spirits, except that this may be omitted if the dealer keeps available for inspection a separate list or record identifying "kind" with the brand name, (d) brand name, (e) number of packages, if any, and number of cases by size of bottle, and (f) serial numbers of the cases or packages. Additional information desired by the dealer may also be shown. Records of disposition shall be prepared by entering each individual lot of distilled spirits either (1) on an individual looseleaf "Record of Disposition," preprinted as prescribed in § 194.228, (2) in chronological order on records prepared by tabulating or other mechanical office equipment, if such records are preprinted as prescribed in § 194.228, or (3) in chronological order in a bound record book, provided all pages of such book are prenumbered as prescribed in § 194.228. Case and package serial numbers may be shown either on the record of disposition or on supporting documents attached thereto. The completed order forms of the dealer, or copies of his invoices of sale, will be acceptable as "Records of Disposition" if such documents provide all of the required information, and are preprinted as prescribed in § 194.228. If copies of order forms or invoices of sale are maintained as "Records of Disposition," case or package serial numbers need be en-

tered on, or attached to, only the copies retained as such records. The dealer may elect to use any one of the above types of record, but may not change from one type to another without prior approval from the assistant regional commissioner. Entries on records of disposition shall be completed by the close of the business day next succeeding that on which the spirits are removed. Where the dealer so defers the preparation of such records he shall keep memorandum records, prepared at the time the spirits are sent out, or prior thereto, which shall show the data needed to prepare the prescribed records. Each record of disposition shall be supported by a corresponding delivery receipt (which may be executed on a copy of the "Record of Disposition") fully describing the spirits and signed by the consignee or his agent, or by a copy of a bill of lading indicating delivery of the spirits to a common carrier. Documents supporting records of disposition shall have noted thereon the serial number of the corresponding "Record of Disposition," or the page number of the machine record or record book, as the case may be. Variations in the format or in the methods of preparation may be authorized, as provided in § 194.229.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.227 Cancelled or corrected records.

Entries in record books shall not be erased or obliterated, nor shall whole or partial pages be removed from such books. Correction or deletion of any entry in a record or report shall be accomplished by drawing a line through such entry, and making appropriate correction, explanation, or reference on the same page or sheet. Where a looseleaf "Record of Receipt" or "Record of Disposition" is voided for any reason, all copies thereof shall be marked "Cancelled" and be filed as prescribed in § 194.240; if a new record is prepared in lieu thereof, the serial number of the new record shall be noted on all copies of the cancelled record. Where items entered on a "Record of Disposition" are deleted for reasons such as the refusal of the merchandise by the consignee, or the inability of the wholesale dealer to supply such merchandise, appropriate explanations shall be made on all copies of the record.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.228 Format of records of receipt and disposition.

Each individual "Record of Receipt" and "Record of Disposition," each credit memorandum used for recording the receipt of returned distilled spirits, and each sheet, or page used in tabulating or other mechanical office equipment for recording the receipt or disposition of distilled spirits shall be preprinted with the name and address of the wholesale dealer in liquors. Each such record, sheet, or page shall also bear a preprinted serial number, beginning with number 1 and, before repeating, continuing in numerical sequence to a number high enough to preclude the duplication of a serial number in such group within a

period of six months: *Provided*, That upon application, the assistant regional commissioner may authorize a wholesale dealer to affix page serial numbers in consecutive order during the preparation or processing of the prescribed records, or authorize the serial numbering of such records beginning with some number other than 1, or authorize the repetition of blocks of serial numbers within a lesser period than six months, where the assistant regional commissioner finds that the dealer's accounting system will afford an effective measure of control and such variation will not be likely to lend itself to the falsification of records. Each serially numbered form or sheet shall be accounted for by the dealer. If a bound record book is used for recording receipts and dispositions, all of the pages of such book shall be numbered in unbroken sequence.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.229 Variations in format, or preparation, of records.

(a) *Authorization.* The Director may approve variations in the format of records of receipt and disposition, or in the methods of preparing such records, where it is shown that variations from the requirements are necessary in order to use tabulating equipment, business machines, or existing accounting systems, and will not (1) unduly hinder the effective administration of this part, (2) jeopardize the revenue, or (3) be contrary to any provision of law. A dealer who proposes to employ format or methods other than as provided in this part shall submit written application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and set forth the need therefor. The assistant regional commissioner will determine the need for the variations, and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The assistant regional commissioner will forward two copies of the application to the Director together with a report of his findings and his recommendation. Variations in format or methods shall not be employed until approval is received from the Director.

(b) *Requirements.* Any information required by this part to be kept or filed is subject to the provisions of law and this part relating to required records and reports, regardless of the form or manner in which kept or filed.

§ 194.230 Recapitulation records.

Every wholesale dealer in liquors shall, daily, prepare a recapitulation record showing the total quantities of distilled spirits received and disposed of during the day. At the end of each month he shall prepare grand totals of all receipts and dispositions during the month. The work sheets from which totals are obtained shall be retained for a period of 2 years.

DAILY AND MONTHLY REPORTS

§ 194.231 Wholesale liquor dealer's monthly report, Form 338.

Every wholesale dealer in liquors who is required to keep the records prescribed

in § 194.221 shall file with the assistant regional commissioner a monthly report, Form 338, showing the total quantities of distilled spirits received and disposed of during the month, not later than the 10th day of the month succeeding that for which rendered.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.232 No transactions during month.

If there were no receipts or disposals of distilled spirits by a wholesale dealer in liquors during a month, Form 338 shall be prepared and forwarded to the assistant regional commissioner, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month."

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.233 Discontinuance of business.

When a wholesale dealer in liquors discontinues business as such, he shall render Form 338, covering transactions for the month in which business is discontinued, and mark such report "Final."

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.234 Daily reports, Forms 52A and 52B.

Except as provided in §§ 194.223 and 194.224, every wholesale dealer in liquors shall prepare and submit, daily, a report on Form 52A of all distilled spirits received by him, and on Form 52B of all distilled spirits disposed of by him. The reports shall be filed with the assistant regional commissioner by delivering or mailing them to such officer on the date the transactions entered therein occur: *Provided*, That in any case in which the assistant regional commissioner shall direct, the reports shall be so filed with the supervisor in charge instead of the assistant regional commissioner. Each report shall bear the following declaration signed by the dealer or his authorized agent:

I declare under the penalties of perjury that this report, consisting of ----- pages, has been examined by me and to the best of my knowledge and belief is a true, correct, and complete report of all the transactions which occurred during the period covered thereby, and each entry therein is correct.

If in any case the assistant regional commissioner shall so authorize, the reports, in lieu of being filed daily, may be filed for such periods and at such times as he may deem necessary in the interest of the Government, or the reports may be waived as provided in § 194.221.

(68A Stat. 749; 72 Stat. 1342; 26 U.S.C. 6065, 5114)

§ 194.235 Entries on Forms 52A and 52B.

Where more than one shipment of distilled spirits is received from the same consignor during any month, there will be reported on Form 52A for the first shipment received, the name and address of such consignor, followed by the distilled spirits plant number of the consignor's plant (for example, DSP-KY-4) or, in the case of shipments received from wholesale dealers in liquors, or importers, the permit number of the consignor (for example, CHI-I-3456). For the remain-

ing shipments received from such consignor during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignor may be omitted. Likewise, where more than one shipment of distilled spirits is sent to the same consignee during any month, there will be reported on Form 52B for the first shipment made the name and address of such consignee followed by the registry number or permit number of the consignee. For the remaining shipments made to such consignee during the month, there may be reported in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignee may be omitted. Where the consignor or consignee is a retail dealer in liquors, the name and address shall be reported on Form 52A or 52B for each shipment received or sent.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.236 Entry of miscellaneous items.

Wholesale dealers in liquors may report on Form 52B as one item the total quantity of different kinds of distilled spirits made up from broken cases disposed of to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.237 Serial numbers of containers.

Serial numbers of containers of distilled spirits received, or disposed of, shall be reported on Forms 52A or 52B unless the omission of such serial numbers is specifically authorized by the assistant regional commissioner.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.238 Requirements when wholesale dealer in liquors maintains a retail department.

(a) When a wholesale dealer in liquors maintains a separate department on his premises for the retailing (to persons other than dealers) of distilled spirits, he shall, except as provided in paragraph (b) of this section, keep the records and render the reports prescribed in § 194.221 with respect to all distilled spirits received on his premises, and of all distilled spirits disposed of to other dealers or transferred to his retail department. At the time distilled spirits are transferred to the retail department, a record showing such disposition shall be prepared as prescribed in § 194.226. Where it is necessary in the filling of an order to transfer distilled spirits from the retail department to the wholesale department, a record showing receipt in the wholesale department shall be prepared as prescribed in § 194.225, and the entire wholesale sale shall be entered on a record of disposition in the same manner as any other disposition from the wholesale department. The provisions of this subpart relating to submission of reports on Forms 52A and 52B are applicable to

all transfers between wholesale and retail departments. The retail department need not be maintained in a separate room, or be partitioned off from the wholesale department, but the retail department shall in fact be separate from the wholesale department. Where a wholesale dealer in liquors does not maintain a separate retail department, all distilled spirits received and disposed of at his premises shall be accounted for on records of receipt and disposition, and on Forms 52A and 52B when submitted, regardless of the quantity involved.

(b) Where retail sales of distilled spirits (sales to persons who are not dealers) normally represent 90 percent or more of the volume of distilled spirits sold, the dealer may, in lieu of the records required by § 194.225, keep records as prescribed in § 194.239 for all retail dealers in liquors, and all distilled spirits at the premises may be considered as having been received in the dealer's retail department. In addition, as prescribed by § 194.226, he shall prepare records of disposition on all distilled spirits sold at wholesale, and shall prepare recapitulation records of such spirits, as prescribed in § 194.230. Distilled spirits which have been considered as having been received in the retail department, and which are involved in a wholesale transaction, shall be considered as having been transferred to the wholesale department at the time of sale. The monthly report on Form 338 prescribed in § 194.221 shall be submitted in accordance with the provisions of §§ 194.231 and 194.232, even if there have been no wholesale transactions in distilled spirits. Unless relieved of the requirement, pursuant to application under § 194.221, the dealer shall submit daily or periodic reports on Forms 52A and 52B of all his wholesale liquor dealer transactions in distilled spirits. The dealer's wholesale department need not be maintained in a separate room or be partitioned off from the retail department.

(72 Stat. 1342, 1345, 1395; 26 U.S.C. 5114, 5124, 5555)

RETAIL DEALER'S RECORDS

§ 194.239 Requirements for retail dealers.

(a) *Records of receipts.* Each retail dealer in liquors and each retail dealer in beer shall keep at his place of business a complete record of all distilled spirits, wines, or beer received, showing (1) the quantities thereof, (2) from whom received, and (3) the receiving dates: *Provided*, That in cases where wines and beer are retailed only for off-premises consumption, the assistant regional commissioner may authorize the records to be maintained at other premises under control of the same dealer if he finds that such maintenance will not cause undue inconvenience to internal revenue officers desiring to examine such record. Such record shall consist of all purchase invoices or bills covering distilled spirits, wines, and beer received or, at the option of the dealer, a book record containing all of the required information.

(b) *Records of sales of 20 wine gallons or more.* Every retail dealer who makes sales of distilled spirits, of wines, or of beer in quantities of 20 wine gallons or more to the same person at the same time shall prepare and keep a record of each such sale, which shall show (1) the date of sale, (2) the name and address of the purchaser, (3) the kind and quantity of each kind of liquors sold, and (4) the serial numbers of all full cases of distilled spirits included in the sale. Each entry on such record shall be supported by a corresponding delivery receipt (which may be executed on a copy of the sales slip) signed by the purchaser or his agent.

(72 Stat. 1345, 1348, 1395, 1413; 26 U.S.C. 5124, 5146, 5555, 5691)

FILES OF RECORDS AND REPORTS

§ 194.240 Manner of filing looseleaf records of receipt and disposition.

One legible copy of (a) each "Record of Receipt," (b) each credit memorandum used for the purpose of recording the receipt of returned merchandise, and (c) each "Record of Disposition," shall be marked or stamped as "Government File Copy," and shall be filed chronologically, and in numerical sequence within each date, in looseleaf binders or books. Where the chronological filing of such records disarranges their numerical sequence to such an extent that the sequence of numbers cannot be readily traced, a control record shall be maintained by the wholesale dealer, which shall key the numerical sequence of the records to their respective dates. Government file copies shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. Separate files shall be maintained for "Records of Receipt," for credit memoranda used to record receipt of returned merchandise, and for "Records of Disposition." Supporting documents such as consignors' invoices, delivery receipts, and bills of lading, or exact copies thereof, may be filed in accordance with the wholesaler's customary practice. Documents supporting records of disposition shall have noted thereon the identifying serial numbers of the records of disposition to which they refer, as required by § 194.226.

(72 Stat. 1342; 26 U.S.C. 5114)

§ 194.241 Place of filing.

Prescribed records of receipt and disposition and file copies of Forms 52A, 52B, 338, and the recapitulation records required by § 194.230, shall be maintained in chronological order in separate files at the premises where the distilled spirits are received and sent out: *Provided*, That the assistant regional commissioner may, pursuant to an application received from the wholesale dealer, authorize the files, or any individual file, to be maintained at other premises under control of the same dealer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files.

(72 Stat. 1342; 26 U.S.C. 5114)

RULES AND REGULATIONS

PERIOD OF RETENTION

§ 194.242 Retention of records and files.

All records prescribed by this part, documents or copies of documents supporting such records, and file copies of reports submitted, shall be preserved by the person required to keep such documents for a period of not less than 2 years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(72 Stat. 1348, 1395; 26 U.S.C. 5146, 5555)

§ 194.243 Photographic copies of records.

Any dealer who desires to utilize any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for reproducing the original of any record, document or report, for the purpose of reproducing and preserving records required to be maintained by this part, shall file an application, in triplicate, with the assistant regional commissioner for approval of such process. The application shall describe (a) the records the dealer proposes to reproduce, (b) the reproduction process he proposes to employ, (c) the manner in which he proposes to preserve the reproductions, and (d) the facilities he proposes to provide for examining, viewing, or using such reproductions. The assistant regional commissioner shall not approve the application unless the Director has approved the reproduction of records of the same class by the process described, and the provisions made by the applicant for the preserving, examining, viewing, and using of the reproductions are deemed to be satisfactory. If the application is approved, the dealer shall retain the reproductions in lieu of the original records, reports, or other documents; preserve them in conveniently accessible files; and provide for the examining, viewing, and using of such reproductions the same as if they were the original records.

(72 Stat. 1395; 26 U.S.C. 5555)

PROCUREMENT OF REPORT FORMS

§ 194.244 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 will be provided by users at their own expense, but shall be in the form prescribed by the Director: *Provided*, That, with the approval of the Director, they may be modified to adapt their use to tabulating or other mechanical equipment. Application for permission to modify such forms shall be filed in the manner prescribed in § 194.229.

POSTING OF SIGNS

§ 194.245 Sign of wholesale dealer in liquors.

Every wholesale dealer in liquors who is required to pay special tax as such

dealer shall place and keep conspicuously on the outside of his place of business a sign, exhibiting, in plain, durable, and legible letters the name, or firm, of the wholesale dealer and the words "Wholesale Liquor Dealer." In those States where the definition of wholesale liquor dealer differs from the definition in § 194.24, the words "Wholesale Liquor Dealer under Federal Law" may be used. In the case of a wholesale dealer who obtains a special tax stamp designated "Wholesale Dealer in Wines," or "Wholesale Dealer in Wines and Beer," the requirements of this section will be met by the posting of a sign of the character prescribed herein, but with words conforming to the designation of the special tax stamp.

(72 Stat. 1342; 26 U.S.C. 5115)

§ 194.246 Display of false sign.

No person other than a person engaged in business as a wholesale dealer in liquors who has paid the special tax (or the proprietor of a distilled spirits plant or bonded wine cellar who is exempt from payment of special tax by reason of section 5113(a), I.R.C.) shall put up or keep up any sign indicating that he is a wholesale dealer in liquors.

(72 Stat. 1410; 26 U.S.C. 5681)

§ 194.247 Other dealers; no sign required.

Internal revenue laws require the posting of special tax stamps, as provided in § 194.131, but do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

Subpart P—Strip Stamps

§ 194.251 Strip stamps required on all bottles.

Except as provided in §§ 194.271-194.272, all distilled spirits in the possession of wholesale dealers in liquors or retail dealers in liquors shall be in bottles or similar containers of a capacity of 1 gallon or less which shall bear the prescribed strip stamps evidencing bottling in compliance with internal revenue law. The strip stamps shall be affixed in such manner as to be broken when the containers are opened.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.252 Breaking of strip stamp on opening bottle.

The strip stamp affixed to a container of distilled spirits (whether affixed over the mouth of the container or in some other authorized manner) shall be broken on opening the container. A portion of the strip stamp shall be left attached to the container while any part of the contents remain therein.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.253 Mutilated or missing strip stamps.

Any unopened bottle or other approved container of distilled spirits—

(a) From which the strip stamp is missing,

(b) On which the strip stamp is mutilated to the extent that the genuineness of the stamp cannot be determined, or

(c) The contents of which are accessible without breaking the stamp,

shall be restamped pursuant to §§ 194.254-194.255, or be returned to a distilled spirits plant for restamping pursuant to written application, in duplicate, approved by the assistant regional commissioner. Where the containers of distilled spirits are to be returned to a distilled spirits plant for restamping, the dealer shall include in his application for approval of such transaction an accurate description of the containers of distilled spirits to be restamped and the name and address of the plant proprietor who has agreed to accept the liquors for restamping.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.254. Replacement of strip stamps found by dealer to be mutilated or missing.

Containers requiring restamping, as described in § 194.253, shall be set aside by the dealer and application for necessary stamps submitted with Form 428, in duplicate, to the assistant regional commissioner. Copies of Form 428 may be obtained from the assistant regional commissioner. In every case the application shall state the cause of mutilation or absence of the stamps and submit evidence that the spirits are eligible for stamping under section 5205(e), I.R.C. Such evidence may consist of invoices covering purchase of the spirits, in addition to other available documents. Such application shall be signed by the dealer or his authorized agent under the penalties of perjury immediately below a declaration, worded as follows:

I declare under the penalties of perjury that I have examined this application and to the best of my knowledge and belief it is true and correct.

If the assistant regional commissioner is satisfied from the evidence submitted that the mutilation or absence of the stamps has been satisfactorily explained, he will approve the requisition for stamps, Form 428; obtain and deliver the stamps to the applicant by mail with instructions in regard to affixing them to the containers, or by a representative of his office. Where an overprinted stamp is to be replaced by the dealer, the word "Restamped," the name of the dealer, and the date of restamping shall be imprinted, or written in ink, in lieu of overprinting the replacement stamp.

(72 Stat. 1358; 26 U.S.C. 5205)

§ 194.255 Strip stamps found by internal revenue officer to be mutilated or missing.

When an internal revenue officer discovers an unopened bottle of distilled spirits which requires restamping due to conditions specified in § 194.253, he will direct that the bottle be set aside. If the officer is satisfied that the spirits are eligible for restamping, he will secure from the dealer the application for strip stamps and Form 428 required under the provisions of § 194.254 and forward them to the assistant regional commissioner. When the internal revenue officer has good reason to believe that the distilled spirits have not been lawfully stamped,

or that the original contents of the bottle have been replaced or increased by the addition of any substance whatsoever, he will seize the spirits for forfeiture.

(72 Stat. 1358, 1404; 26 U.S.C. 5205, 5613)

§ 194.256 Replacement not required.

Where an immaterial portion of the stamp is missing, or where the strip stamp has dropped off a bottle and may be reattached thereto by the dealer, it will not be necessary to restamp the container.

Subpart Q—Reuse and Possession of Used Liquor Bottles

§ 194.261 Reuse or refilling of liquor bottles.

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall (a) place in any liquor bottle any distilled spirits whatsoever other than those contained in such bottle at the time of stamping under the provisions of chapter 51, I.R.C., or (b) by the addition of any substance whatsoever to any liquor bottle, in any manner alter or increase any portion of the original contents contained in such bottle at the time of stamping under the provisions of chapter 51, I.R.C., except as provided in Part 175 of this chapter.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 194.262 Possession of refilled liquor bottles.

No person who sells, or offers for sale, distilled spirits, or agent or employee of such person, shall—

(a) Possess any liquor bottle in which any distilled spirits have been placed in violation of the provisions of § 194.261, or

(b) Possess any liquor bottle, any portion of the contents of which has been altered or increased in violation of the provisions of § 194.261.

(72 Stat. 1374; 26 U.S.C. 5301)

§ 194.263 Possession of used liquor bottles.

The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited, except that this shall not prevent the owner or occupant of any premises on which such bottles have been lawfully emptied from assembling the same on such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles authorized by Part 175 of this chapter.

Subpart R—Packaging of Alcohol for Industrial Uses

§ 194.271 Requirements and procedure.

On compliance with the provisions of Part 201 of this chapter applicable to persons repackaging distilled spirits, a dealer in liquors engaged in the business of supplying alcohol for industrial uses may obtain bulk alcohol on which the tax has been paid or determined and repackage such alcohol for sale for industrial use in containers of a capacity in excess of 1 wine gallon and not more than 5 wine gallons.

(a) *Qualification procedure.* Application for registration, Form 2607, and application for an operating permit, Form 2603, modified in accordance with instructions of the assistant regional commissioner, shall be executed and filed with the assistant regional commissioner. No alcohol shall be repackaged until the approved application for registration and the operating permit are received from the assistant regional commissioner.

(b) *Operations.* Repackaging operations shall be conducted in accordance with the bottling and packaging requirements of Part 201 of this chapter, except—

(1) Requisitions for strip stamps on Form 428 shall be submitted directly to the assistant regional commissioner.

(2) Packaging and labeling operations will be carried on without supervision of an internal revenue officer unless the assistant regional commissioner requires such supervision, and

(3) The dumping and repackaging of each lot of alcohol need not be recorded on a specified form.

(c) *Records.* The dealer shall keep records, daily, showing the bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. A monthly report on Form 2260 of strip stamp transactions and a monthly report on Form 2733 of bulk alcohol received, packaged, and disposed of, shall be submitted to the assistant regional commissioner not later than the 10th day of the month succeeding that for which rendered. Records, documents, or copies of documents supporting such records, and copies of reports submitted to the assistant regional commissioner shall be filed and retained as prescribed in §§ 194.241 and 194.242.

(72 Stat. 1343, 1358, 1360; 26 U.S.C. 5116, 5205, 5206)

§ 194.272 Labeling.

Every dealer packaging alcohol for industrial use shall affix to each package filled a label bearing in conspicuous print the words "Alcohol" and "For Industrial Use," the proof of the alcohol, the capacity of the container, and the packaging dealer's name and address. The dealer may incorporate in the label other appropriate statements; however, such statements shall not obscure or contradict the data required hereby to be shown on such labels.

(72 Stat. 1343, 1360; 26 U.S.C. 5116, 5206)

Subpart S—Distilled Spirits for Export With Benefit of Drawback

§ 194.281 General.

A wholesale dealer in liquors may receive, store, and export taxpaid distilled spirits which have been bottled especially for export with benefit of drawback. The receipt for storage, the removal, and the exportation of such distilled spirits shall be in accordance with the provisions of Part 252 of this chapter.

§ 194.282 Export storage.

A wholesale dealer in liquors who intends to receive, store, and export distilled spirits bottled especially for export with benefit of drawback shall provide storage for such distilled spirits on his wholesale dealer premises, or at another place of storage as provided in § 194.54. Distilled spirits to be exported with benefit of drawback shall be kept segregated from all other distilled spirits, wines, or beer intended for domestic use, or other articles, whether stored on the wholesale dealer's premises or elsewhere.

§ 194.283 Records.

The provisions of Subpart O of this part regarding records and reports relating to liquors for domestic use are hereby extended to export storage transactions permitted under the provisions of this subpart: *Provided*, That an appropriately identified separate Form 338, covering export storage transactions in distilled spirits, shall be submitted for each month in which there are any such transactions.

Subpart T—Miscellaneous

§ 194.291 Destruction of marks and brands on wine containers.

The dealer who empties any cask, barrel, keg, or other bulk container of wine shall scrape or obliterate from the empty container all marks, brands, tags, or labels placed thereon under the provisions of Part 240 of this chapter as evidence of the payment or determination of the tax on the wine removed therein from the bonded wine cellar.

§ 194.292 Wine bottling.

Every person desiring to bottle, package, or repackage taxpaid wines at premises other than the premises of a qualified distilled spirits plant shall, before carrying on such operations, make application to, and receive permission from, the assistant regional commissioner, as required under Part 231 of this chapter. The decanting of wine by caterers or other retail dealers for table or room service, banquets, and similar purposes shall not be considered as "bottling," if the decanters are not furnished for the purpose of carrying wine away from the area where served.

(72 Stat. 1378; 26 U.S.C. 5352)

[F.R. Doc. 60-6127; Filed, July 1, 1960; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Miscellaneous Amendments

1. Sections 13.0, 13.50, 13.52, 13.54, 13.60, 13.62, 13.201, 13.203, 13.205, 13.203, 13.207, 13.210, 13.217, 13.219, 13.220, 13.221, 13.223, 13.224, 13.225, 13.226, 13.227, 13.228, 13.229, 13.230, 13.231, 13.232, 13.234, 13.237, 13.244, 13.250,

13.260, 13.262, 13.265, 13.276 and 13.312 are revoked.

2. The centerheads "Field Examinations" immediately preceding § 13.50 and "Guardianship Services" immediately preceding § 13.60 are hereby deleted.

3. Sections 13.1, 13.2, 13.3 and 13.50 through 13.71 are added as follows:

§ 13.1 Authority.

The regulations in this part are issued pursuant to 38 U.S.C. 210 to reflect action under 38 U.S.C. 212 to implement 38 U.S.C. 3202, 3203 and 3311 as amended by Public Laws 86-146 and 86-211. The duties, the delegations of authority, and all actions required of the Chief Attorney set forth in §§ 13.1 through 13.369 inclusive, are to be performed under the direction of, and authority vested in, the Manager of the field station.

§ 13.2 Field examinations.

(a) *Authority to conduct.* Field examiners are authorized, when assigned, to make investigations (field examinations) and examine witnesses upon any matter within the jurisdiction of the Veterans Administration, to take affidavits, to administer oaths and affirmations and to aid claimants in the preparation of claims. Field examiners will perform field examination work assigned to the Office of the Chief Attorney.

(b) *Types of field examinations.* Field examinations include but are not limited to the following:

(1) Guardianship and custodianship cases.

(2) Offenses against the Federal Laws.

(3) Accidents or alleged tortious acts involving a possible liability arising against or in favor of the Government.

(4) Claims cases, including compensation, dependency and indemnity compensation, adjusted compensation, pension, retirement pay, insurance and servicemen's indemnity.

(5) Recovery of amounts due the Government or general post fund under laws administered by the Veterans Administration.

(6) General administrative matters as directed by the Manager.

(7) Administrative investigations involving loan guaranty matters under 38 U.S.C. Ch. 37 and education and training matters under 38 U.S.C. Chs. 31, 33 and 35.

(8) Examinations requested by a United States District Attorney or other representative of the Department of Justice, in civil and criminal cases.

(c) *Additional duties of Field Examiners.* Field Examiners will perform such additional duties as are assigned by the Chief Attorney or Manager.

§ 13.3 State legislation.

Chief Attorneys will cooperate with the affiliated organizations, legislative committees, and with local and State bar associations to the end that deficiencies of the State laws relating to guardianship, mental health and commitment of the mentally ill may be removed. No action to commit the Veterans Administration regarding any proposed legislation will be taken without the approval of the Chief Benefits Director or his designee.

§ 13.50 Authority to employ local attorneys.

In any case wherein the Chief Attorney is authorized to take legal action and to authorize the payment of costs and necessary expenses incident thereto and it is impracticable for him to perform the legal services because of distance, time, cost, etc., he may employ a local attorney to perform the legal services and authorize the payment of a fee not to exceed the customary fee charged for the service rendered.

§ 13.51 Authority of Chief Attorney in commitment and restoration proceedings.

(a) *Assistance to courts.* The Chief Attorney will render assistance to the courts in cases involving the commitment of mentally ill persons to the Veterans Administration and restoration to competency of veterans under commitment to the Veterans Administration. To this end, the Chief Attorney may:

(1) Produce Veterans Administration records.

(2) Appear in court and make presentation of material facts.

(3) When authorized to institute commitment or restoration proceedings under paragraph (b) of this section:

(i) Prepare and present all necessary legal papers.

(ii) Authorize payment of costs (§ 13.53).

(iii) Arrange transportation of veteran and attendants at Veterans Administration expense (§ 13.54).

(b) *Authority to institute commitment or restoration proceedings.* (1) *Commitment.* If a mentally ill veteran will accept hospitalization voluntarily, no action will be initiated by any Veterans Administration employee to commit such veteran. If he will not accept hospitalization, or after being voluntarily hospitalized by the Veterans Administration demands his release, and hospitalization is necessary for his safety or the safety of others, the Chief Attorney may (if a relative of the veteran or other interested person has not done so) institute proceedings to commit the veteran to the Veterans Administration subject to the following conditions:

(i) That he has obtained the written consent of the veteran's nearest relative. If the nearest relative cannot be readily contacted or refuses to consent coupled with inability or refusal to offer adequate alternative care, the Chief Attorney may initiate the action if the petition is signed by another relative, a civil official or representative of a cooperating agency or other person authorized by State law.

(ii) If timely action cannot be taken under subdivision (i) of this subparagraph, the Manager, or Director of the clinic of the regional office, or their designees, or, if already hospitalized in a Veterans Administration hospital, the hospital Manager or Director, Professional Services, or their designees, may sign the petition if permissible under State law, and the Chief Attorney will then take any action necessary to bring the matter before the appropriate court.

(c) *Illegal commitment.* When a hospitalized veteran previously committed

to the Veterans Administration demands his release and continued hospitalization is necessary for his safety or the safety of others, and the Chief Attorney determines the commitment to be illegal, he will at once take action to obtain a legal commitment.

(d) *State hospital commitment.* Chief Attorneys should cooperate with the courts in the commitment of veterans to State hospitals, including the production of records required.

(e) *Restoration.* When a veteran has been committed at the instance of the Veterans Administration and subsequently is rated competent by the Veterans Administration, the Chief Attorney may institute proceedings necessary to restore the veteran to full civil rights.

§ 13.52 Medical testimony in commitment or restoration proceedings.

(a) *Commitment.* When permissible under State law, Veterans Administration physicians, upon request of the Chief Attorney, will sign interrogatories or certificates of mental illness or insanity and, unless unavailable as provided in paragraph (c) of this section will testify in proceedings which the Chief Attorney is authorized to institute under § 13.51 to commit eligible veterans to the Veterans Administration.

(b) *Restoration.* (1) When permissible under State law, Veterans Administration physicians, upon the request of the Chief Attorney, will testify in proceedings brought for the purpose of restoring a committed veteran to full civil rights when the veteran was committed at the instance of the Veterans Administration.

(2) The Manager of the Veterans Administration hospital at which any veteran committed to the Veterans Administration was hospitalized may upon discharge of the veteran furnish a certificate of sanity or such similar certificate to the proper civil authorities or the Chief Attorney as may be contemplated by the law of the jurisdiction concerned.

(c) *Employment of private physicians.* When testimony of Veterans Administration physicians is prohibited or is unavailable by reason of other duty assignments, comparative expense or other valid reason, the Manager, upon recommendation of the Chief Attorney, may employ any qualified physician for preliminary examination of the veteran and for testimony in any commitment or restoration proceeding which the Chief Attorney is authorized to institute under § 13.51, and authorize the payment of a fee not to exceed the prescribed fee, or in the absence thereof, the customary fee charged for the service rendered.

§ 13.53 Costs in commitment or restoration proceedings.

(a) When the Chief Attorney is authorized to institute a proceeding under § 13.51, he may authorize in advance or thereafter the payment or reimbursement of costs and other expenses for which the veteran is legally liable, including publication of notice necessary to accomplish the commitment.

(b) The Chief Attorney also may authorize the payment of necessary costs and expenses for which the veteran is

legally liable incident to his restoration to full civil rights if the veteran was committed at the instance of the Veterans Administration.

§ 13.54 Authorization of transportation necessary for commitment of a veteran beneficiary.

When a mentally ill veteran who should be committed is hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located a commitment may not be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the commitment can be accomplished. If the veteran is in a Veterans Administration hospital, the Manager of the hospital may authorize travel of the veteran and an attendant or attendants, if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel upon request of the Chief Attorney.

§ 13.55 Chief Attorney to determine type of payee.

(a) The Chief Attorney is authorized to determine: the appropriate payee of Veterans Administration benefits for beneficiaries who are mentally ill or under legal disability by reason of minority or action of a court of competent jurisdiction, and their dependents; and the suitability of persons and legal entities to receive Veterans Administration benefits in a fiduciary capacity. Authorized methods of payment include:

- (1) Directly to a veteran (§ 13.56);
- (2) To the wife of an incompetent veteran (§ 13.57);
- (3) To the legal custodian of a beneficiary (§ 13.58);
- (4) To the guardian of a beneficiary (§ 13.59);
- (5) To the Chief Officer of the institution in which the veteran is receiving care and treatment (§ 13.61);
- (6) To the bonded officer of an Indian reservation (§ 13.62);
- (7) To a custodian-in-fact of the beneficiary (§ 13.63);
- (8) By apportionment to dependents of the veteran (§ 13.70).

(b) A fiduciary will not be required, for Veterans Administration purposes, when:

- (1) The Chief Attorney recommends payment directly to the veteran;
- (2) The beneficiary's only legal disability is minority and he or she is in active military, naval or air service, or a veteran, or the widow of a veteran, or a minor who has entered into a program of education or training under 38 U.S.C. Ch. 35, as amended, and has been designated by the Manager under § 21.3051(c) of this chapter to receive payments directly.

(c) The Chief Attorney's certification is sufficient authority to make payments to the person designated therein upon behalf of the beneficiary.

§ 13.56 Direct payment to veteran.

Veterans Administration benefits payable to a veteran who is rated incompetent by the Veterans Administration but has not been adjudged insane and has no guardian may be paid directly to the veteran when he is rated as competent because the Chief Attorney finds as fact and submits evidence that the veteran has demonstrated ability to handle the amount payable with reasonable prudence.

§ 13.57 Payment to the wife of incompetent veteran.

Compensation, pension or emergency officers' retirement pay of an incompetent veteran having no guardian may be paid to his wife for the use of the veteran and his dependents, provided she is qualified to administer the benefits payable and will agree to use the amounts paid for that purpose.

§ 13.58 Legal custodian.

(a) *Authority.* The Chief Attorney is authorized to make determinations as to the person or legal entity legally vested with the care of the person or estate of a beneficiary who has no guardian and who is mentally ill or under legal disability by reason of minority or action of a court of competent jurisdiction. The person or legal entity so recognized will be termed a legal custodian.

(b) *Payment to.* Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

- (1) The beneficiary is not under a guardianship of the person and estate or of the estate.
- (2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:
 - (i) Apply the benefits paid for the sole use of the beneficiary,
 - (ii) Disburse the benefits paid only as authorized by the Chief Attorney,
 - (iii) Invest surplus funds as provided by Veterans Administration regulations,
 - (iv) Provide adequate safeguards for the estate, and
 - (v) Account for the Veterans Administration benefits received.
- (3) All or most of the benefits payable will be required for the support, care or education of the beneficiary so that a substantial estate will not be accumulated.

§ 13.59 Guardian.

(a) *Payment to.* Any Veterans Administration benefit may be paid to the guardian appointed by a State court for a beneficiary who is a minor, or incompetent or under other legal disability adjudged by a court of competent jurisdiction.

(b) *Chief Attorney's authority.* The Chief Attorney shall:

- (1) Determine and recommend to the court the person or legal entity best fitted for appointment as guardian for the particular beneficiary.
- (2) Upon request, represent the petitioner in the appointment proceedings

when the Veterans Administration payments are not sufficient to justify employment of counsel.

(3) Sign certifications of need for a guardian and of minority or of rating of incompetency by the Veterans Administration of the beneficiary required by the Uniform Veterans Guardianship Act or similar State legislation.

(4) Upon request, represent the guardian in guardianship proceedings when the estate is not sufficient to justify employment of counsel.

(5) Appear in State trial courts as attorney for the Administrator of Veterans Affairs in all guardianship matters and in appellate courts when authorized.

(6) Require accountings, formal or informal, of guardians with or without judicial proceedings.

(7) Take such other action, including institution of appropriate legal proceedings, as may be necessary, to assure that the needs of the beneficiary are provided for and Veterans Administration benefits are prudently administered and adequately protected.

(8) To direct the suspension of payments in fiduciary matters.

§ 13.60 Authority to file petitions for appointment of guardians.

(a) *Adult beneficiary.* The Chief Attorney is authorized to file or cause to be filed a petition for the appointment of a guardian for an adult beneficiary only when he has determined that alternative methods of payment would not be to the best interests of the beneficiary and when he has obtained the written consent of:

(1) The beneficiary (if he is capable of understanding the consequences of his act).

(2) The beneficiary's spouse if he is incapable of consenting or refusing.

(3) The beneficiary's adult child, parent, adult brother or sister if the beneficiary is unmarried or consent of the spouse is immaterial because of estrangement or mental incapacity or refusal to consent coupled with failure to offer adequate alternative means for providing for the beneficiary's needs.

(4) A civil official or representative of a cooperating agency when consent of one of the relatives listed in subparagraphs (2) and (3) of this paragraph cannot be obtained because none can be located after reasonable inquiry or those located are not mentally competent to consent or refuse without offering adequate alternative means for providing for the needs of the beneficiary.

(b) *Minor beneficiaries.* The Chief Attorney is authorized to file or cause to be filed a petition for the appointment of a guardian of a minor, if permissible under the law of the jurisdiction concerned when he determines the protection of the minor's rights under laws administered by the Veterans Administration requires the appointment provided: He has obtained the written consent of the minor's natural or adoptive parent or parents or the person or persons occupying the relationship of "in loco parentis" as defined by the law of the jurisdiction in

which they reside. The Chief Attorney will not institute a guardianship proceeding over the objections of such parent or parents if they are sui juris unless:

(1) The parents have abandoned the minor or otherwise refused to meet their parental obligations toward the minor or they have previously been appointed or recognized as the minor's fiduciary and failed to properly execute the duties of their trust;

(2) The minor has no parent or the parent or parents are not sui juris, in either of which case the Chief Attorney may file the petition without the consent of any relative.

§ 13.61 Payment to Chief Officer of institution.

The Chief Attorney may recommend the payment of all or part of the pension, compensation or emergency officers' retirement pay payable in behalf of a veteran rated incompetent by the Veterans Administration to the Chief Officer of the institution wherein the veteran is being furnished hospital treatment, institutional or domiciliary care, for his use and benefit, when the Chief Attorney has determined such payment (called an institutional award) will adequately provide for the needs of the veteran and obviate need for appointment of a guardian.

§ 13.62 Payment to bonded officer of Indian reservation.

Any benefits due an incompetent adult or minor Indian, who is a recognized ward of the Government and for whom no guardian has been appointed, may be awarded to the superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under 25 U.S.C. 14.

§ 13.63 Payment to custodian-in-fact.

Any Veterans Administration benefit due a beneficiary who is a minor, or is mentally ill, or under other legal disability adjudged by a court of competent jurisdiction, and who has a fiduciary to whom payments may not properly be made, may be paid temporarily to the person having custody and control of the beneficiary and who will agree to account for the funds paid and expend such funds solely for the use of the beneficiary.

§ 13.64 Natural guardians.

Chief Attorneys may authorize the payment of Veterans Administration benefits payable in behalf of minors to natural guardians when such persons are constituted guardians of the person and estate of the minor in the territory or insular possession of the United States or foreign country in which they reside.

§ 13.65 Legal services.

(a) Chief Attorneys may furnish legal services in behalf of minor and incompetent beneficiaries of the Veterans Administration in guardianship matters when the beneficiary's estate or income is not sufficient to justify the employment of an attorney.

(b) Where the guardian does not in due course institute the necessary action to terminate the guardianship and the

beneficiary requests the Chief Attorney to represent him, or in any such case where there is in question the proper administration of the estate, the Chief Attorney may file the necessary action and supply legal services. Costs, unless assessed against the guardian, should be charged to the estate of the beneficiary.

§ 13.66 Legal custodian and custodian-in-fact may be required to furnish bond.

(a) The Chief Attorney may require the person who is to be or has been recognized as legal custodian or as custodian-in-fact, to furnish a corporate surety bond in an amount sufficient to protect the estate of the beneficiary. Such bond may be required as a condition to initial or continued payment to such person.

(b) For purposes of this section, estate shall mean the total value of accumulated Veterans Administration benefits and increments derived therefrom plus the net anticipated increase (receipts less authorized expenditures) for the following year or in the case of a custodian-in-fact during the authorized duration of the fiduciary relationship.

§ 13.67 Authorization of transportation of a veteran beneficiary for appointment of a guardian.

When the appointment of a guardian is required for an incompetent veteran hospitalized by the Veterans Administration and under the law of the State wherein the hospital is located the appointment cannot be had locally, the veteran may be returned temporarily to the jurisdiction of the appropriate court in order that the appointment can be accomplished. If the veteran is in a Veterans Administration hospital, the Manager of the hospital may authorize travel of the veteran and an attendant or attendants if necessary, upon request of the Chief Attorney. If the veteran is being maintained in a non-Veterans Administration hospital, the Manager of the regional office concerned may authorize such travel, upon request of the Chief Attorney.

§ 13.68 Costs and other expenses incident to appointment of guardian.

(a) The Chief Attorney may authorize the payment of costs and other necessary expenses incident to the appointment of a guardian of a beneficiary of the Veterans Administration including successor guardians when:

(1) Benefits are small and such costs would unduly deplete the estate (accrued benefits and private estate do not exceed \$2,000).

(2) Appointment was caused by Veterans Administration and it develops that no benefits are payable and no estate from which costs may be paid.

(3) Costs must be advanced when there is no immediate estate from which same may be paid. These costs to be recovered from benefits payable unless the case falls within subparagraph (1) of this paragraph.

(b) Costs and necessary expenses include:

(1) All those chargeable by statute or rule of court and certified by the clerk of court.

(2) Certified copies of court records required by Veterans Administration.

(3) Fees for guardian ad litem when chargeable as court costs and required by State law.

§ 13.69 Limitation of wards to individual guardian.

The policy of the Veterans Administration is to limit to five the number of wards for whom an individual guardian may act, except where such individual is acting as guardian for the minors of the same family and the cooperation of the court will be sought to that end.

(a) When an individual has been appointed as guardian of the estate or as guardian of the person and estate of more than five beneficiaries of the Veterans Administration, except for minors of the same family, the Chief Attorney will take no further action if the administration of the estates or of the persons and estates is satisfactory in every respect. In those States having a statute limiting the number of wards the guardian will be removed in the excess cases.

(b) The policy stated in this section will not be applied to public officials who, by reason of their office, are appointed as guardians in accordance with the State laws, when such appointments are as to the office and not as to the individual incumbent of the position.

§ 13.70 Apportionment of benefits to dependents.

(a) *Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof.* (1) The Chief Attorney may recommend the apportionment of compensation, pension or emergency officers' retirement pay payable in behalf of a veteran, who is incompetent or under other legal disability by action of a court, to or in behalf of his wife, child or dependent parent as may be necessary to provide for their needs.

(2) When payment of compensation, pension or emergency officers' retirement pay, in behalf of a veteran who is incompetent or under other legal disability by action of a court, has no wife or child and is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, has been stopped because his estate equals or exceeds \$1,500, the Chief Attorney may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of a dependent parent or parents.

(b) *Dependent parents.* When the compensation of a veteran paid to his fiduciary includes an additional amount for a dependent parent or parents and the fiduciary neglects or refuses to make an equivalent contribution for their support, the Chief Attorney may recommend the apportionment to the parent or parents of the additional amount.

(c) *Payments withheld because of fiduciary's failure to properly administer veteran's estate.* When payments of compensation, pension or emergency officers' retirement pay payable in behalf of a veteran have been stopped because of his fiduciary's failure or inability to

properly account or otherwise administer the estate, the Chief Attorney may recommend the apportionment to the veteran's wife, child or dependent parent of any benefit not paid under an institutional award or to a custodian-in-fact.

§ 13.71 Payment of cost of veteran's maintenance in institution.

(a) *By institutional award.* (1) The payment of part of compensation, pension or emergency officers' retirement pay for the cost of a veteran's hospital treatment, institutional or domiciliary care in an institution operated by a political subdivision of the United States may be authorized as provided in subparagraph (2) of this paragraph when:

(i) The veteran is rated incompetent by the Veterans Administration and has no wife, child, dependent parent or guardian,

(ii) The Chief Attorney has determined the veteran is legally liable for the cost of his maintenance, and

(iii) The institution's representative has asserted or probably will assert a claim for full maintenance costs.

(2) Subject to these conditions and the further condition that the responsible official of the institution or political subdivision will agree not to assert against Veterans Administration benefits any further claim for maintenance during the veteran's lifetime, the Chief Attorney may agree with such official to the payment of the veteran's benefits through an institutional award to be applied to:

(i) A monthly amount determined by the Chief Attorney to be needed for the veteran's personal use,

(ii) An amount to be agreed upon to be accumulated to provide for the veteran's rehabilitation upon release from the institution, and

(iii) So much of the amount of the benefit as remains not exceeding the amount the Chief Attorney shall determine to be the proper charge as fixed by statute or administrative regulation, to the cost of the veteran's maintenance.

(3) Upon execution of an agreement as provided in subparagraph (2) of this paragraph, the Chief Attorney may certify to the adjudication agency the total amount to be released to the Chief Officer of the institution.

(b) *By direct payment.* When payment of compensation, pension or emergency officers' retirement pay in behalf of a veteran rated incompetent by the Veterans Administration who has no wife or child and is being furnished hospital treatment, institutional or domiciliary care by a political subdivision of the United States, has been stopped because his estate has reached \$1,500, the Chief Attorney may certify to the adjudication agency the amount to be released to the responsible official to pay for the cost of the veteran's current care and maintenance. The amounts paid in such cases shall not exceed the amount of the benefit otherwise payable less any amounts apportioned to dependent parents and in no event exceed the amount which the Chief Attorney shall determine to be the proper charge as fixed by statute or administrative regulation.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective July 1, 1960.

[SEAL]

BRADFORD MORSE,
Deputy Administrator.

[F.R. Doc. 60-6128; Filed, July 1, 1960; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.1—Procurement Regulations

Sec.	
9-1.101	Scope of subpart.
9-1.102	Establishment of AEC Procurement Regulations.
9-1.103	Authority.
9-1.104	Applicability.
9-1.105	Issuances.
9-1.105-1	Publication.
9-1.105-2	Copies.
9-1.106	Arrangement.
9-1.106-1	General plan.
9-1.106-2	Numbering.
9-1.106-3	Citation.
9-1.107	Implementation and supplementation of FPR.
9-1.107-1	Description.
9-1.108	Exclusions.
9-1.109	Deviations.
9-1.109-1	Description.
9-1.109-2	Procedure.
9-1.110	Other AEC Procurement Instructions.

AUTHORITY: §§ 9-1.101 to 9-1.110 Issued under sec. 161(q), 70 Stat. 1069; 42 U.S.C. 2201(q). Implement and supplement sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 9-1.101 Scope of subpart.

This subpart describes the Atomic Energy Commission Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation and supplementation of FPR, exclusions, deviations, and other AEC Procurement Instructions.

§ 9-1.102 Establishment of AEC Procurement Regulations.

(a) The AEC Procurement Regulations (AECPR) are hereby established.

(b) These regulations implement and supplement the Federal Procurement Regulations (FPR) and are a part of the Federal Procurement Regulations System.

(c) The effective date of FPR issuances throughout AEC will be the date indicated in the respective issuances, unless otherwise provided in the AEC Procurement Regulations.

(d) The effective date of AECPR issuances throughout AEC will be the date indicated in the respective issuances.

§ 9-1.103 Authority.

The AEC Procurement Regulations are prescribed by the General Manager of the AEC, pursuant to the authority of the Atomic Energy Act of 1954, and the Federal Property and Administrative Services Act of 1949.

§ 9-1.104 Applicability.

(a) The AEC Procurement Regulations and the Federal Procurement Regu-

lations, which together form that part of the Federal Procurement Regulations System which governs AEC procurement, apply to all procurement of personal property and nonpersonal services (including construction).

(b) The FPR and AECPR shall be made available to the cost-type contractors that construct and operate AEC plants and laboratories as illustrative of the policies, practices and procedures used by the AEC, for their consideration in the development or revision of their own written procurement practices and procedures. Cost-type contractors are governed by (1) applicable contract provisions and (2) procurement policies, practices and procedures established by the contractor and approved by AEC. The FPR and AECPR will be employed by AEC in its review and approval of cost-type contractor procurement policies, practices and procedures.

§ 9-1.105 Issuances.

§ 9-1.105-1 Publication.

The AEC Procurement Regulations appear in the Code of Federal Regulations as Chapter 9 of Title 41, Public Contracts, and are published in the daily issues of the FEDERAL REGISTER, in cumulated form in the Code of Federal Regulations, and in separate loose-leaf volume form.

§ 9-1.105-2 Copies.

Copies of the AEC Procurement Regulations in the FEDERAL REGISTER and the Code of Federal Regulations form may be purchased by Federal Agencies and the public, at nominal cost from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 9-1.106 Arrangement.

§ 9-1.106-1 General plan.

The AEC Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations and conform with FEDERAL REGISTER standards approved for the FPR.

§ 9-1.106-2 Numbering.

(a) The numbering system permits identification of every unit. The first digit, followed by a dash, represents the chapter number (AEC has been assigned Chapter 9). The dash is followed by the part number which may be one or more digits followed by a decimal point. The numbers after the decimal point represent, respectively, the subpart, section (in two digits) and, after a second dash, subsection, paragraph, subparagraph, and additional subdivisions. For example, this division is called "§ 9-1.106-2," in which the first digit denotes the chapter, the second the part, the third the subpart, the fourth and fifth the section, and the sixth the subsection.

(b) Where the AECPR implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of the AECPR will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where the AECPR supplements the FPR, the numbers 50 and up will be

assigned to the parts, subparts, or sections involved.

(d) Where the subject matter contained in a part, subpart, section, or subsection of the FPR requires no implementation, the AECPR will contain no corresponding part, subpart, section, or subsection number.

§ 9-1.106-3 Citation.

AEC Procurement Regulations will be cited in accordance with Federal Register standards approved for the FPR. Thus, this section, when referred to in divisions of the AEC Procurement Regulations, should be cited as "§ 9-1.106-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 9-1.106-3." Any section of the AEC Procurement Regulations may be informally identified, for purposes of brevity, as AECPR followed by the section number, i.e., "AECPR 9-1.106-3."

§ 9-1.107 Implementation and supplementation of FPR.

§ 9-1.107-1 Description.

The AEC Procurement Regulations "implement" and "supplement" the FPR. The meaning of these terms includes the following:

(a) Implementation may have either of the following meanings:

(1) A part, subpart, section, etc., which treats a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance, including any deviations.

(2) The absence of a corresponding part, subpart, section, etc., in the AECPR indicates that the FPR is applicable as written. Policies and procedures in the FPR are not repeated in the AECPR.

(b) Supplementation means AECPR coverage of matters which have no counterpart in the FPR.

§ 9-1.108 Exclusions.

Certain policies and procedures which come within the scope of this chapter nevertheless may be excluded from AECPR. These exclusions include the following categories:

(a) Subject matter which bears a security classification.

(b) Policy or procedure which is expected to be effective for a period of less than six months.

(c) Policy or procedure which is being instituted on an experimental basis for a reasonable period.

§ 9-1.109 Deviation.

§ 9-1.109-1 Description.

The term "deviation" includes any of the following actions:

(a) When a prescribed contract clause is set forth verbatim, use of a contract clause covering the same subject matter which varies from that set forth.

(b) When a standard or other form is prescribed, use of any other form for the same purpose.

(c) Alteration of a prescribed standard or other form, except as may be authorized in the regulations.

(d) The imposition of lesser or, where the regulation expressly prohibits, greater limitations than are imposed

upon the use of a contract clause, form, procedure, type of contract, or upon any other procurement action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts.

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 9-1.109-2 Procedure.

In the interest of establishing and maintaining uniformity to the greatest extent feasible, deviations from the Federal Procurement Regulations System shall be kept to a minimum and controlled as follows:

(a) In individual cases, deviations from the FPR and AECPR may be authorized by Division Directors, Headquarters (having contracting authority) and Managers of Operations, unless otherwise provided. This authority may not be redelegated.

(1) A supporting statement for each individual deviation, which indicates briefly the nature of the deviation and the reasons for such special action shall be included in the contract file.

(2) A copy of the supporting statement for each individual deviation shall be forwarded to the Director, Office of Contract Policy.

(b) In classes of cases, requests for deviations from the FPR and the AECPR shall be forwarded in triplicate through the appropriate Division Director, Headquarters, to the Director, Office of Contract Policy, and shall be accompanied by an appropriate supporting statement. Requests will be considered on an expedited basis and appropriate coordination with Headquarters staff and operating divisions will be obtained by the Director, Office of Contract Policy. Requests involving the FPR will be considered jointly by AEC and the General Services Administration, unless, in the judgment of the Director, Office of Contract Policy, after due consideration of the objective of uniformity and the program responsibilities of AEC, circumstances preclude such joint effort. In such case, the Director, Office of Contract Policy will approve such class deviations as he determines necessary and will appropriately notify the General Services Administration.

§ 9-1.110 Other AEC Procurement Instructions.

(a) AEC Manual, Volume 9000, Contracting will continue to contain classified matters or matters of a purely internal nature.

(b) Procurement memoranda also will be employed, generally for informational purposes, and pursuant to § 9-1.108.

These regulations are effective July 1, 1960.

Dated at Germantown, Md., this 24th day of June 1960.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH,
Acting General Manager.

[F.R. Doc. 60-6114; Filed, July 1, 1960; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2137]

[Nevada 051096]

NEVADA

Withdrawing Lands for Use of the Department of the Navy for a Target Area and Control Facilities (Dixie Valley)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Nevada, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Navy for a target area and control facilities, for training purposes:

MOUNT DIABLO MERIDIAN

PARCEL NO. 1

T. 21 N., R. 34 E.,
Sec. 22, NE¼SW¼NE¼.

Containing 10 acres.

PARCEL NO. 2

Beginning at a point on unsurveyed land from which the standard corner of Township 21 N., Ranges 34 and 35 E. bears N. 55°30'17" W., 5065.33 feet; thence S. 53°25'44" E., 2½ miles;
S. 36°34'16" W., 3 miles;
N. 53°25'44" W., 2½ miles;
N. 36°34'16" E., 3 miles to the point of beginning.

Containing approximately 4800 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 28, 1960.

[F.R. Doc. 60-6125; Filed, July 1, 1960; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

Operator Examination Points

The Commission having under consideration a modification of its amateur radio operator license examination points; and

It appearing that it will be in the public interest to change the location of the annual examination point from Butte, Montana, to Great Falls, Montana, since Great Falls has (a) a larger population, (b) is more centrally located and, (c) is the residence of the majority of ap-

plicants for radio operator examinations heretofore appearing at Butte; and

It further appearing that the amendment herein ordered is procedural in nature and not substantive and therefore compliance with public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, This 28th day of June 1960; pursuant to authority of section 0.341 of the Commission's Statement of Delegations of Authority, and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that Appendix 1 of Part 12 of the Commission's rules be amended as set forth below, effective September 1, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

Appendix 1, Part 12, is amended by deleting Butte, Montana, and adding Great Falls, Montana, in alphabetical sequence to the "annual" listing within this Appendix.

[F.R. Doc. 60-6153; Filed, July 1, 1960;
8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[5th Rev. S.O. 95, Amdt. 9]

PART 95—CAR SERVICE

Appointment of Refrigerator Car Agent

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 24th day of June A.D. 1960.

Upon further consideration of the provisions of Fifth Revised Service Order No. 95 (18 F.R. 473, 3732, 7642; 19 F.R. 4003; 20 F.R. 4688; 21 F.R. 4814; 22 F.R. 4488; 23 F.R. 4812; 24 F.R. 4774), and good cause appearing therefor:

It is ordered, That: § 95.95 *Appointment of refrigerator car agent*, of Fifth Revised Service Order No. 95, be, and it is hereby amended by substituting the

following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) D. W. Benton, Assistant to Chairman, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois, is hereby designated and appointed refrigerator car agent of the Interstate Commerce Commission. As agent he is required to provide the Commission with current information, through its Director of the Bureau of Safety and Service, with respect to the supply of and the need for refrigerator cars in all sections of the United States, and in this connection to utilize the services of an Advisory Committee consisting of the Chairman, Car Service Division, Association of American Railroads, and subject to the Commission's approval of at least one representative of the railroad industry, of railroad-controlled refrigerator car companies, of non-railroad controlled refrigerator car companies and of shipper-owned refrigerator car companies. As agent, he is authorized and directed to determine and advise the Commission through its Director of the Bureau of Safety and Service concerning measures which will reduce the time of loading and unloading refrigerator cars or increase the efficiency and economy of such cars' utilization, operation and movement.

(d) This order, as amended, shall expire at 11:59 p.m., June 30, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1960; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6139; Filed, July 1, 1960;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 5]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), of a public hearing to be held 10:00 a.m. on July 27, 1960, at Room 3313, Internal Revenue Service Building, 12th and Constitution Avenue NW., Washington 25, D.C. at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to proposals, the substance of which is stated below, to amend Regulations No. 5 (27 CFR Part 5), relating to labeling and advertising of distilled spirits.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D.C., provided they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

Substance of proposals. 1. To amend section 73(a) (27 CFR 5.73(a)) to provide for additional standards of fill for distilled spirits if sufficient justification for any additional size containers is disclosed at the hearing.

2. In the event that justification for additional standards of fill is disclosed; to consider amendment of section 37 (27 CFR 5.37) and such other sections of the regulations in this part as may be necessary, (a) to require a conspicuous statement of net contents (in terms of fluid ounces) to appear on brand labels of all classes and types of distilled spirits, whether or not such distilled spirits are subject to the standards of fill set forth in section 73(a) (27 CFR 5.73(a)); such statement of net contents to appear horizontally, on a contrasting background, in type or printing, with respect to containers of one-half pint or more, of a size not smaller than the equivalent of 12-pound Gothic caps; and (b) to eliminate the provision in section 37 (27 CFR 5.37) that the statement of net contents may be omitted from the label when it is blown, etched, sand-blasted, etc., or otherwise permanently marked on the container itself.

3. In the event that these proposals are adopted, to make them effective, 1

year (or some shorter or longer period of time) after publication of the amendments in the FEDERAL REGISTER.

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco
Tax Division, Internal Revenue
Service.

[F.R. Doc. 60-6140; Filed, July 1, 1960;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 5]

WALNUTS (JUGLANS REGIA) IN SHELL¹

U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Walnuts (*Juglans regia*) in the Shell (7 CFR §§ 51.2945 to 51.2967) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

The important changes proposed deal with kernel color and insect infestation. U.S. No. 1 and U.S. No. 2 grades would require less "light" colored kernels than they do at present. However, both of these grades would require a fairly large percentage of the kernels to be not darker than "light amber", whereas they now include no requirements for "light amber".

A distinction would be drawn between walnuts which are damaged by insects and walnuts which contain live insects. The former would be allowed under the restrictive tolerances but the latter would be prohibited in all of the standards.

A number of other changes of a minor nature are intended for clarification only.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication in the FEDERAL REGISTER.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.2945 Application.
51.2946 Color chart.
51.2947 Method of inspection.

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.2948 U.S. No. 1.
51.2949 U.S. No. 2.
51.2950 U.S. No. 3.

UNCLASSIFIED

51.2951 Unclassified.

SIZE SPECIFICATIONS

51.2952 Size specifications.

VARIETY OR TYPE SPECIFICATIONS

51.2953 Variety or type specifications.

TOLERANCES FOR GRADE DEFECTS

51.2954 Tolerances for grade defects.

APPLICATION OF TOLERANCES

51.2955 Application of tolerances.

DEFINITIONS

51.2956 Practically clean.
51.2957 Bright.
51.2958 Splits.
51.2959 Injury by discoloration.
51.2960 Damage.
51.2961 Well dried.
51.2962 Dark discoloration.
51.2963 Rancidity.
51.2964 Fairly clean.
51.2965 Serious damage.
51.2966 Very serious damage by shriveling.

AUTHORITY: §§ 51.2945 to 51.2966 issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

GENERAL

§ 51.2945 Application.

The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (*Juglans regia*). They do not apply to walnuts commonly known as black walnuts (*Juglans nigra*).

§ 51.2946 Color chart.

The walnut color chart² to which reference is made in §§ 51.2948, 51.2949, 51.2950 and 51.2962 has been prepared by the United States Department of Agriculture as a part of this subpart.

§ 51.2947 Method of inspection.

In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 U.S. No. 1.

"U.S. No. 1" consists of walnuts, the shells of which are dry, practically clean,

² The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

bright and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 70 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from defects: *Provided*, That at least four-sevenths of the above amount, or 40 percent, of the walnuts in the lot shall have kernels which are not darker than "light" (see color chart). Higher percentages of nuts with kernels not darker than "light" which are free from grade defects and/or higher percentages with kernels not darker than "light" which are free from grade defects may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2949 U.S. No. 2.

"U.S. No. 2" consists of walnuts, the shells of which are dry, practically clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity, and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 60 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from grade defects. Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or percentages with kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2950 U.S. No. 3.

"U.S. No. 3" consists of walnuts, the shells of which are dry, fairly clean, free from splits, and free from damage caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) There shall be no requirements in this grade for the percentage of walnuts having kernels which are "light amber" or "light" in color. However, the percentage, by count, of nuts in any lot having kernels not darker than "light amber" (see color chart) which are free from grade defects and/or the percentage having kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

UNCLASSIFIED

§ 51.2951 Unclassified.

"Unclassified" consists of walnuts in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE SPECIFICATIONS

§ 51.2952 Size specifications.

Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size*. Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening $\frac{9}{16}$ inches in diameter;

(b) *Jumbo size*. Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening $\frac{8}{16}$ inches in diameter;

(c) *Large size*. Large size means walnuts of which not over 12 percent, by count, pass through a round opening $\frac{7}{16}$ inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $\frac{7}{16}$ inches;

(d) *Medium size*. Medium size means walnuts of which at least 88 percent, by count, pass through a round opening $\frac{7}{16}$ inches in diameter, and of which not over 12 percent, by count, pass through a round opening $\frac{3}{4}$ inches in diameter;

(e) *Standard size*. Standard size means walnuts of which not over 12 percent, by count, pass through a round opening $\frac{3}{4}$ inches in diameter;

(f) *Baby size*. Baby size means walnuts of which at least 88 percent, by

count, pass through a round opening $\frac{7}{16}$ inches in diameter, and of which not over 10 percent, by count, pass through a round opening $\frac{9}{16}$ inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter*. In lieu of one of the foregoing classification, size of walnuts may be specified in terms of minimum diameter, or minimum and maximum diameter: *Provided*, That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 Variety or type specifications.

The variety or type of any lot of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, or if the lot is of the Placentia Perfection variety and/or like types, it may be specified as "Budded": *Provided*, That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types or consists of seedlings, it may be specified as "Soft Shells" or "Mixed Varieties".

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 Tolerances for grade defects.

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for the respective grades as indicated. All percentages shall be determined on the basis of count. Terms in quotation marks refer to color classifications illustrated on the color chart.*

TOLERANCES FOR GRADE DEFECTS

Grade	External (shell) defects	Internal (kernel) defects	Color of kernels
U.S. No. 1.....	10 percent for splits. In addition 5 percent total for defects other than splits, including not over 3 percent serious damage.	10 percent total, including not more than 6 percent serious damage, but not more than $\frac{1}{2}$ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70 percent of "light amber" kernels or the required 40 percent of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.
U.S. No. 2.....	10 percent for splits. In addition 5 percent for defects other than splits.	20 percent total, including not more than 10 percent serious damage, but not more than $\frac{1}{2}$ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60 percent or any larger percentage of "light amber" kernels specified or any percentage of "light" kernels specified.
U.S. No. 3.....	10 percent for splits. In addition 10 percent total for defects other than splits, including not over 5 percent serious damage by adhering hulls.	30 percent total, including not more than 10 percent very serious damage by shriveling or serious damage by other means, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce any percentage of "light amber" or "light" kernels specified.

APPLICATION OF TOLERANCES

§ 51.2955 Application of tolerances.

The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered as a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 Practically clean.

"Practically clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many

* See footnote on p. 6292.

bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 Bright.

"Bright" means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 Splits.

"Splits" means walnuts with shell halves separated at the suture but held together by the kernel.

§ 51.2959 Injury by discoloration.

"Injury by discoloration" means that the color of the affected portion of the shell objectionably contrasts with the color of the rest of the shell of the individual nut.

§ 51.2960 Damage.

"Damage" means any injury or defect which materially detracts from the appearance, or the edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken shells when the area from which the shell is missing is greater than the area of a circle one-fourth inch in diameter, or the halves are completely broken apart and separated;

(b) Perforated shells when the area affected aggregates more than that of a circle one-fourth of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold which is white or gray, inconspicuous and thinly scattered over more than one-fourth of the surface of the entire kernel; or any white or gray mold which is thick and conspicuous, or any yellow, blue, green or other colored mold;

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section but which are otherwise normally developed shall not be considered as damaged; and,

(g) Insects when the nut contains web, frass or dead insects, or the kernel shows definite evidence of insect feeding.

§ 51.2961 Well dried.

"Well dried" means that the kernel is firm and crisp, not pliable or leathery.

§ 51.2962 Dark discoloration.

"Dark discoloration" means that the color of the skin of the kernel is darker than "amber". (See color chart.)

§ 51.2963 Rancidity.

"Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§ 51.2964 Fairly clean.

"Fairly clean" means that, from the viewpoint of general appearance, the lot is not seriously damaged by adhering dirt or other foreign matter, and that individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§ 51.2965 Serious damage.

"Serious damage" means any injury or defect which seriously detracts from the appearance, or the edible or shipping quality of the walnut. Decay, rancidity and insect damage shall be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than that of a circle three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Mold which is white or gray, thick and conspicuous and covers one-eighth or more of the surface of the entire kernel, or yellow, green, blue or other colored mold which covers 5 percent or more of the surface of the entire kernel; and,

(e) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by lesser degrees of shriveling producing an equally objectionable appearance. When one of the halves of the kernel shows no shriveling, the kernel shall not be considered seriously damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged.

§ 51.2966 Very serious damage by shriveling.

"Very serious damage by shriveling" means that more than one-half of the surface of the entire kernel is severely shriveled or that a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance.

Dated: June 29, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-6132; Filed, July 1, 1960;
8:48 a.m.]

[7 CFR Part 932]

[Docket No. AO-33-A24]

**MILK IN FORT WAYNE, IND.,
MARKETING AREA**

**Notice of Hearing on Proposed
Amendments to Tentative Market-
ing Agreement and Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Alsonett Room, of the Indiana Hotel, Fort Wayne, Indiana, beginning at 10:00 a.m., local time, on August 2, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Wayne Cooperative Milk Producers, Inc.: Proposal No. 1.¹

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*932.3	Person.
932.4	Ft. Wayne, Indiana Marketing Area.
*932.5	Cooperative Association.
932.6	Route.
*932.7	Fluid milk plant.
*932.8	

¹ Asterisk (*) indicates that the proposed section is not now included in the order or involves a modification of the current section.

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DEFINITIONS

§ 932.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 932.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 932.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 932.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 932.5 Fort Wayne, Indiana, Marketing Area.

"Fort Wayne, Indiana, marketing area"; hereinafter referred to as "marketing area" means all the territory geographically located within the perimeter boundaries of the counties of LaGrange, Steuben, Noble, De Kalb, Whitley, Allen, Huntington, Wells and Adams, all in the state of Indiana, including all municipal corporations and institutions owned or operated by the Federal, State, or County Government, lying wholly or partially within such areas.

§ 932.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 932.7 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant(s) store) of any fluid milk product classified as Class I milk other than a delivery to a pool plant, or nonpool plant, or food processing plant(s) for use other than for fluid consumption.

§ 932.8 Fluid milk plant.

"Fluid milk plant" means a plant, approved by a duly constituted health authority in the marketing area, for fluid disposition of Grade "A" milk from which fluid milk products are disposed of on a route(s) in the marketing area.

§ 932.9 Pool plant.

"Pool plant" means any milk plant specified in paragraph (a) or (b) of this

section, except, the plant of a producer-handler or a plant for which the handler is exempt pursuant to § 932.80.

(a) A fluid milk plant which disposes of 50 percent or more of its total receipts during the month as fluid milk products classified as Class I milk from route(s) and 15 percent or more of such receipts as fluid milk products classified as Class I milk on route(s) in the marketing area.

(b) A plant approved by a duly constituted health authority within the marketing area from which during any month 50 percent or more of its total receipts for such month of milk from farms eligible for sale as Class I milk within the marketing area is delivered to a plant(s) defined in paragraph (a) of this section.

§ 932.10 Nonpool plant.

"Nonpool plant" means any milk processing or distributing plant in any month in which it is not a pool plant.

§ 932.11 Producer.

"Producer" means any person except a producer-handler who produces milk eligible for sale in fluid form as Grade "A" milk in the marketing area which is either (a) received from the farm at a pool plant or (b) received at a nonpool plant located within the marketing area and operated by a cooperative association, or (c) caused to be diverted direct from the farm to a nonpool plant for the account of a cooperative association.

§ 932.12 Handler.

"Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which a route is operated in the marketing area, and (c) any cooperative association operating a nonpool plant within the marketing area with respect to (1) producer milk caused by it to be delivered to a pool plant as defined in § 932.9(a) for which milk such association is authorized to receive payment, or (2) producer milk which such association has caused to be delivered for its account to a nonpool plant. Producer milk so caused to be delivered shall be deemed to be received by such association.

§ 932.13 Producer milk.

"Producer milk" means all the skim milk and butterfat contained in milk received from producers, or skim milk and butterfat, transferred in the form of milk to a pool plant as defined in § 932.9(a) from a nonpool plant located within the marketing area and operated by a cooperative association to which such association causes producers' milk to be delivered pursuant to § 932.12(c) (2), shall be considered to have been "producer milk" if (a) the cooperative association and the handler operating the pool plant mutually indicate to the market administrator in writing on or before the 8th day after the end of the month within which such transfer occurred, their desire that such skim milk and butterfat be considered as producer milk, and (b) the amount of skim milk and the amount of butterfat so transferred as producer milk is no greater than the amount of skim milk or the amount of butterfat, respec-

tively, contained in producer milk caused by such association to be delivered to such nonpool plant during the month.

§ 932.14 Other source milk.

"Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than producer milk and a pool plant(s).

§ 932.15 Producer-handler.

"Producer-handler" means any handler who produces milk eligible for sale in fluid form as Grade "A" milk within the marketing area but receives no milk directly from other dairy farmers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce such milk and the processing, or distribution of such milk are his personal enterprise and at his personal risk.

§ 932.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, butterfat, milk concentrate, milk drinks (plain or flavored), cream (including sterilized cream), or any mixture of milk, skim milk, or cream (except storage cream, aerated cream products, ice cream, ice cream mix, milk shake mixes, eggnog, sour cream, evaporated or concentrated milk and sterilized products packaged in hermetically sealed containers).

MARKET ADMINISTRATOR

§ 932.20 Designation.

The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 932.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To receive, investigate, and report to the Secretary complaints of violations;
- (c) To make rules and regulations to effectuate its terms and provisions; and
- (d) To recommend amendments to the Secretary.

§ 932.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 932.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 932.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 932.30 or (2) payments pursuant to §§ 932.70, 932.71, 932.73, 932.74, 932.76, 932.77, and 932.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 6th day after the end of such month, the minimum class prices for milk (rounded to the nearest cent) and the butterfat differentials computed pursuant to §§ 932.51 and 932.52;

(2) On or before the 14th day after the end of such month, the uniform price computed pursuant to § 932.61 and the butterfat differential pursuant to § 932.62;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 932.30 Monthly reports of receipts and utilization.

(a) On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 932.12 (a) or (b) shall report to the market administrator for the preceding month with respect to all milk and milk products, except any milk product defined as Class III milk which is disposed of in the form in which received without further processing or packaging by the handler, received at each pool plant, the following:

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including such handler's own production) producer-handlers, and other handlers.

(2) The quantities of skim milk and quantities of butterfat contained in other source milk, with the sources thereof;

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including the quantities of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products; and

(4) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) Each handler, who operates a nonpool plant as referred to in § 932.12(c) shall report to the market administrator on or before the 8th day after the end of each month, its total receipts of skim milk and butterfat in producer milk, its disposition of such receipts to pool plants, and the utilization of such receipts in its nonpool plant.

§ 932.31 Other reports.

(a) Each producer-handler who handles during the month only milk of his own production shall make reports to the market administrator at such times and in such manner as the market administrator shall prescribe.

(b) On or before the 25th day of each month, each handler who operates a pool plant shall submit to the market administrator such handler's producer payroll for the preceding month which shall show for each producer and cooperative association (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of the payment to each producer and to each cooperative association, together with the prices, deductions and charges involved.

§ 932.32 Records and facilities.

Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging;

(b) The weights and tests for butterfat and for other content, of all other skim milk or butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each month.

§ 932.33 Retention of records.

All books and records required under this part to be made available to the

market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of this act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 932.40 Skim milk and butterfat to be classified.

All skim milk and butterfat, in any form, received in the month by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 932.41 through 932.47.

§ 932.41 Utilization.

Subject to the conditions set forth in §§ 932.43 and 932.44 the skim milk and butterfat described in § 932.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I utilization shall be all the skim milk (including the skim milk equivalent of concentrated products) and butterfat:

(1) Disposed of in the form of a fluid milk product, except as provided in paragraph (c) (2), (3), and (5) of this section; or

(2) Not accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product or a Class II product;

(2) Disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup, or bakery products and used in such products;

(3) In condensed or skim milk (sweetened or unsweetened) disposed of to commercial food processors;

(4) Disposed of (or used to produce, in the case of ice cream, frozen desserts, and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese, and nonfat dry milk;

(5) Dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk;

(6) Disposed of as a milk product other than any of those specified in paragraph

(a) (1), in paragraph (b), and in paragraph (c) (1), (2), (3), and (4) of this section;

(7) Contained in monthly inventory variations;

(8) In shrinkage not to exceed one-half of one percent of the skim milk and butterfat, respectively, in producer milk physically received at the plant, plus one and one-half percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, less such products disposed of by such plant in bulk to another pool plant; and

(9) In shrinkage of other source milk.

§ 932.42 Shrinkage.

The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between producer milk and other source milk.

§ 932.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 932.44 Transfers.

Skim milk and butterfat disposed of by a handler from a pool plant as a fluid milk product shall be classified:

(a) As Class I milk if transferred to the pool plant of another handler unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class at the plant of the transferee-handler after the subtraction of other source milk pursuant to § 932.46 (c) and (d) and any excess of such skim milk or butterfat, respectively, shall be assigned to the next highest class;

(b) As Class I milk if transferred to the plant of a producer-handler;

(c) As Class I milk if transferred in the form of milk or skim milk in bulk to a nonpool plant, unless:

(1) The transferee plant is located less than 150 miles from the Allen County Court House in Fort Wayne, Indiana, by the shortest hard surface highway distance as determined by the market administrator;

(2) The transferor plant claims classification in a lower class in his report;

(3) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available as requested by the market administrator for the purpose of verification; and

(4) Such nonpool plant has actually used in the classification claimed, the amount of skim milk or butterfat, respectively, equivalent to the total claimed in such classification by all handlers transferring to such nonpool plant, plus that priced in a comparable class under other Orders on the basis of the utilization in such plant. Should the equivalent utilization in the nonpool plant be less than the required total, a pro rata share of the excess shall be classified in the next higher price available utilization.

§ 932.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors, the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 932.46 Allocation of skim milk and butterfat classified.

The pounds of milk remaining after making the following computations with respect to the pool plants of each handler shall be the pounds of skim milk in such class allocated to the producer milk of such handler:

(a) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk classed as Class III milk pursuant to § 932.41(c) (8);

(b) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk contained in the monthly inventory variation;

(c) Subtract from the pounds of skim milk remaining in each Class, in series, beginning with the lowest-priced utilization, the pounds of skim milk in other source milk other than that to be subtracted pursuant to paragraph (d) of this section;

(d) Subtract from the pounds of skim milk remaining in each Class, in series, beginning with the lowest-priced utilization, the pounds of skim milk contained in other source milk received from a plant at which the handling of milk is fully subject to the classification and pricing provision of other orders issued pursuant to the Act;

(e) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned pursuant to § 932.44(a);

(f) Add to the remaining pounds of skim milk in Class III milk, the pounds of skim milk subtracted pursuant to paragraphs (a) and (b) of this section; and

(g) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class, in series, beginning with the lowest-priced utilization. Any amount so subtracted shall be known as "overage."

PROPOSED RULE MAKING

§ 932.47 Allocation of butterfat.

Allocate the pounds of butterfat in each class to milk received from producers in a manner similar to that prescribed for skim milk in § 932.46.

MINIMUM PRICES

§ 932.50 Basic formula price.

The basic formula price per hundredweight of milk to be used in determining class prices for each month shall be the higher of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated as follows:

Company and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade "A" (92-score) bulk creamery butter for the month as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 932.51 Class prices.

The respective minimum prices per hundredweight to be paid by each handler, f.o.b. his plant, for milk received from producers or from a cooperative association during the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk of 3.5 percent butterfat content per hundredweight shall be the basic formula price plus \$1.30, plus or minus a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk disposed of from pool plants in the first and second delivery period

preceding by the total volume of producer milk for the same delivery periods multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the Class I utilization percentage as computed in subparagraph (1) of this paragraph the "standard utilization percentage" shown below:

Delivery period for which the class price is being computed:	Standard utilization percentage
January	86
February	82
March	78
April	73
May	68
June	60
July	54
August	56
September	61
October	70
November	81
December	87

(3) Determine the amount of the supply-demand adjustment as follows:

(i) Supply-demand adjustment for specified delivery period is:

If net utilization percentage is—	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over.....	+38	+25	+50
+9 or +10.....	+28	+19	+38
+6 or +7.....	+20	+13	+26
+3 or +4.....	+10	+7	+14
+1 or -1.....	0	0	0
-3 or -4.....	-10	-14	-7
-6 or -7.....	-20	-26	-13
-9 or -10.....	-28	-38	-19
-12 or -13.....	-38	-50	-25
-15 or -16.....	-38	-50	-31
-18 or -19.....	-38	-50	-37
-21 or -22.....	-38	-50	-43
-24 or under.....	-38	-50	-50

(ii) When the net utilization percentage does not fall within a tabulated bracket, the adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The price for Class II milk of 3.5 percent butterfat content per hundredweight shall be the basic formula price plus 30 cents;

(c) *Class III milk price.* The price for Class III milk of 3.5 percent butterfat content per hundredweight shall be the basic formula price.

§ 932.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class price calculated pursuant to § 932.51 shall be increased or decreased, respectively, for each one-tenth of a percent of butterfat by an amount computed by multiplying the average daily wholesale price per pound of Grade "A" (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month by the following factors:

(a) *Class I milk.* Multiply by 1.3 and divide the result by 10;

(b) *Class II milk.* Multiply by 1.2 and divide the result by 10;

(c) *Class III milk.* Multiply by 1.15 and divide the result by 10.

§ 932.53 Location differentials to handlers.

(a) For producer milk received at a pool plant which is assigned to Class I milk, the price specified in § 932.51(a) shall be reduced at the rate set forth in the following schedule, calculated from Allen County Court House, Fort Wayne, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator.

(b) Shortest highway distance from Allen County Court House, Fort Wayne, Indiana:

Miles	Location adjustment (dollars per hundredweight)
60 to less than 70.....	0.10
For each additional 15 miles or fraction thereof, an additional.....	.015

§ 932.54 Equivalent price provision.

Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 932.60 Net obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 932.45 by the applicable class price adjusted pursuant to §§ 932.52 and 932.53 and total the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage subtracted from any class pursuant to § 932.46(g) by the applicable class price;

(c) Add any amount computed by multiplying any other source milk subtracted from Class I pursuant to § 932.46(c) by the difference between the Class I and Class III prices for the month.

§ 932.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for producer milk of 3.5 percent butterfat content f.o.b. the marketing area as follows:

(a) Combine into one total, the values computed pursuant to § 932.60 for all handlers who made reports pursuant to § 932.30 and who are not in default of payments pursuant to § 932.74;

(b) Subtract for each of the months of April, May, and June an amount equal to 8 percent of the Class I price multiplied by the quantity of producer milk;

(c) Add during each of the months of September, October, and November, one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 3.5 percent or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat

content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 932.62 and multiplying the resulting figure by the hundredweight of milk;

(e) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 932.63;

(f) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund, adjusting for paragraph (b) or (c) of this section, as the case may be;

(g) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(h) Subtract not less than 4 cents nor more than 5 cents to restore the balance in the producer-settlement fund, adjusting the price to the nearest cent.

§ 932.62 Producer butterfat differential.

In making payments pursuant to § 932.70 there shall be added to, or subtracted from, the uniform price of milk of 3.5 percent butterfat content, for each one-tenth of one percent of butterfat in such producer milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b), and (c) of § 932.52 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 932.63 Location differential to producers.

The applicable uniform prices computed pursuant to § 932.61 to be paid for producer milk received at a pool plant located outside the marketing area shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 932.53.

§ 932.64 Notification of handlers.

On or before the 13th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the total thereof; (b) the applicable minimum class prices and uniform price; (c) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to §§ 932.74, 932.75, 932.76, and 932.77.

PAYMENTS

§ 932.70 Time and method of final payment.

Each handler shall make payments, after deducting the amount of payments made pursuant to § 932.71 as follows:

(a) On or before the 17th day after the end of each month, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such month pursuant to § 932.61 adjusted by the producer butterfat differential and location differential to producers pursuant to §§ 932.62 and 932.63 for all milk received from

such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 932.75 he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance, of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to producer milk caused by it to be delivered to such handler during such month, not less than the value of such milk computed at the minimum class prices. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, and Class III milk as determined pursuant to § 932.46.

§ 932.71 Partial payments.

(a) On or before the last day of each month, each handler shall make payment, except as set forth in paragraph (b) of this section, to each producer, for the milk received from such producer by such handler during the first 15 days of such month, at not less than the uniform price for the preceding month.

(b) On or before the day immediately preceding the last day of each month, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such month, at not less than the uniform price of the preceding month.

§ 932.72 Producer settlement fund.

The market administrator shall establish and maintain a separate fund designated as the "producer settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 932.73 and 932.74 and out of which he shall make all payments pursuant to § 932.75.

§ 932.73 Obligations of handlers operating nonpool plants pursuant to § 932.12(b).

An operator of a nonpool plant not fully regulated under another Federal order issued pursuant to the Act shall pay into the producer settlement fund the amount computed pursuant to paragraph (a) of this section unless the handler elects at the time he files his handler's monthly report to pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed by multiplying such handler's Class I milk disposition in the marketing area by the difference between the applicable Class I price and the Class III price adjusted for the location differential to handlers pursuant to § 932.53 and the butterfat differentials to handlers pursuant to

§ 932.52 and the expense of administration;

(b) An amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 932.60 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 932.9(b)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 932.11(a), and (ii) any obligations incurred in accordance with provisions similar to those contained in this paragraph or paragraph (a) of this section applicable to such plant as a partially regulated plant under another order issued pursuant to the Act: *Provided*, That in the application of § 932.46 (c) and (d) for the purpose of this paragraph, transfers or diversions of milk from such milk plant(s) to a pool plant shall be classified as Class I, Class II, and Class III milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 932.46 (c) and (d) and the corresponding steps of § 932.47: *And provided further*, In the application of § 932.46(e) and the corresponding step of § 932.47, receipts of fluid milk products at such fluid milk plant(s) from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 932.44; and (2) for expense of administration, equal to the amount which would have been computed pursuant to § 932.76 if such fluid milk plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid as an expense of administration determined on the basis of Class I milk disposed of on routes in other marketing areas, pursuant to the terms of other orders issued under the Act: *And provided further*, That (i) if less Class I milk is disposed of from such plant on routes in the Fort Wayne, Indiana marketing area than is disposed of on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and (ii) if an expense of administration is applied at such plant as if a fully regulated (pool) plant under the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no expense of administration shall be applicable under this part.

§ 932.74 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler operating a pool plant shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month, by the uniform price adjusted by the producer butterfat and location differentials.

§ 932.75 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 932.60 is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 932.76 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 16th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe with respect to:

(a) All receipts within the month of milk from producers, including milk of such handler's own production;

(b) Any other source milk allocated to Class I pursuant to § 932.46(c) and the corresponding step of § 932.47; and

(c) The amount of milk for which a payment is computed pursuant to § 932.73 (a) or (b).

§ 932.77 Marketing services.

(a) (1) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.70(a), shall make a deduction of 6 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(i) All milk received from producers at a plant not operated by a cooperative association; and

(ii) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

(2) Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each month. Such monies shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this

section, from the payments made pursuant to § 932.70(a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of such month, such deduction to the association entitled to receive it under this paragraph.

§ 932.78 Adjustments of accounts.

(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due.

(1) The market administrator from such handler,

(2) Such handler from the market administrator, or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.73, 932.74, 932.75, 932.76, 932.77, or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month thereafter until such obligation is paid.

§ 932.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c(15)(a) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market ad-

ministrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(a) of the Act, a petition claiming such money.

APPLICATION OF PROVISIONS**§ 932.80 Milk subject to other Federal orders.**

Milk received at the plant of a handler at which the handling of milk is fully subject during the month to the pricing and payment provisions of another order issued pursuant to the Act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Fort Wayne, Indiana marketing area shall be exempted for such month from all provisions of this order except §§ 932.31, 932.32, and 932.33 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

§ 932.81 Producer-handler.

A producer-handler shall be exempt from all provisions of this part except §§ 932.31, 932.32, and 932.33.

§ 932.82 Milk caused to be delivered by cooperative associations.

A cooperative association shall be deemed to be a handler pursuant to § 932.12(c)(1), with respect to producer milk caused by it to be delivered to a pool plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to § 932.74.

EFFECTIVE TIME, SUSPENSION OR TERMINATION**§ 932.90 Effective time.**

The provisions of this part or of any amendment to this part, shall become effective at such time as the Secretary

may declare and shall continue in force until suspended or terminated.

§ 932.91 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provisions of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 932.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 932.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 932.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.101 Separability of provisions.

If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Proposed by the Tonne Dairy, Inc.:

Proposal No. 2. Extend the Fort Wayne marketing area to include all of Allen County.

Proposal No. 3. When one handler purchases milk from another handler in bulk tank they be allowed a portion of the total allowable shrinkage.

Proposed by the National Cheese Company:

Proposal No. 4. That, sour cream manufactured from milk subject to the price and pooling of Chicago, Illinois, market order No. 41, be allocated to

Class I at pool plants under the [Fort Wayne] order where such sour cream is received, handled, and distributed in the same consumer or institutional size packages in which it is received.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 5. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 507 Strauss Building, 809-11 South Calhoun Street, Fort Wayne, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 29th day of June 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-6133; Filed, July 1, 1960;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Ext D&C Yellow Nos. 9 and 10; Notice of Proposal To Delist

Information available to the Food and Drug Administration indicates that it is not possible, under present-day manufacturing conditions, to prepare two of the coal-tar colors that may be certified for external use (Ext D&C Yellow No. 9 and Ext D&C Yellow No. 10) without resulting in the presence of β -naphthylamine in the finished colors. From data available to the Administration it is concluded that β -naphthylamine is not a harmless substance when applied to the human skin. Therefore, the Commissioner of Food and Drugs, on his own initiative, under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 70 Stat. 919; 21 U.S.C. 371(e)), delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500) proposes to amend the color-certification regulations (21 CFR 9.309, 9.310) by deleting from the list of colors eligible for certification Ext D&C Yellow No. 9 (§ 9.309) and Ext D&C Yellow No. 10 (§ 9.310).

All interested persons are invited to submit their views in writing regarding this proposal and to submit such comments in quintuplicate prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER. Comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare

Building, 330 Independence Avenue SW., Washington 25, D.C.

Dated: June 27, 1960.

[SEAL]

JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 60-6143; Filed, July 1, 1960;
8:49 a.m.]

[21 CFR Part 19]

[Docket No. FDC 69]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cheddar Cheese, Washed Curd Cheese, Colby Cheese, Granular Cheese, Swiss Cheese; Notice of Public Hearing

In the matter of amending the standards of identity for cheddar cheese, washed curd cheese, colby cheese, granular cheese, and swiss cheese:

It was announced by an order published in the FEDERAL REGISTER of April 9, 1960 (25 F.R. 3073), that a hearing would be held in the above-identified matter to resolve the objections filed to the order published in the FEDERAL REGISTER of February 5, 1960 (25 F.R. 1016). Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 371), vested in the Secretary of Health, Education, and Welfare, and delegated to the Commissioner of Food and Drugs (22 F.R. 1045, 23 F.R. 9500), notice is given that a public hearing will be held on the issues as hereinafter set forth.

The hearing will begin at 10:00 o'clock, eastern daylight time, in the morning of August 2, 1960, in room G-747A, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D.C., and will continue thereafter at such times and places as directed by the presiding officer. All persons interested are invited to attend the hearing and present evidence. The hearing will be conducted in accordance with the rules of practice provided therefor. A prehearing conference for the simplification of the issues, exchange of documentary evidence, the scheduling of witnesses, and such other matters as may aid in the disposition of the proceeding will be held in Room G-747A, Health, Education, and Welfare Building, beginning at 10:00 o'clock in the morning of August 1, 1960. All interested persons who will attend the hearing are urged to appear or to send a representative. Any interested person intending to introduce documentary evidence at the hearing is requested to bring five copies of such documentary evidence to the prehearing conference or to send five copies to the presiding officer in advance of the conference. Only those persons expecting to actively participate at the hearing should attend the prehearing conference. All persons

expecting to attend the prehearing conference should notify the presiding officer in advance.

Evidence will be restricted to testimony and exhibits relevant to the issues hereinafter set forth.

The issues to be resolved are:

1. Whether the addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration would affect the quality of such cheeses as compared with cheeses manufactured from untreated milk.

2. Whether addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration will permit the production of cheese of apparently high quality from milk inferior in quality to that ordinarily used in the manufacture of such cheeses.

3. Whether the permissive use of hydrogen peroxide and catalase in the cheeses under consideration would encourage the insanitary handling of milk and retard progress in milk-sanitation programs.

4. Whether the addition of hydrogen peroxide and catalase to milk used in the manufacture of the cheeses under consideration significantly impairs the nutritive qualities of such cheeses.

Mr. William J. Risteau, Room 5440, Health, Education, and Welfare Building, is hereby designated as presiding officer to conduct the hearing, with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceeding to the Commissioner of Food and Drugs for action on the proposal.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371)

Dated: June 21, 1960.

[SEAL] JOHN L. HARVEY,
Deputy, Commissioner of
Food and Drugs.

[F.R. Doc. 60-6099; Filed, July 1, 1960;
8:45 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the issuance of a regulation to establish a tolerance of 5 parts per million (0.0005 percent) of ethion (O,O,O'-tetraethyl S,S'-methylene bisphosphorodithioate) in or on dehydrated citrus pulp intended for use as cattle feed, as a result of the use of ethion as a pesticide chemical on the citrus fruit.

Dated: June 27, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of
Food and Drugs.

[F.R. Doc. 60-6136; Filed, July 1, 1960;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 30]

EXEMPTION OF LUMINOUS TIME-PIECES CONTAINING HYDROGEN 3 (TRITIUM)

Notice of Proposed Rule Making

The following proposed amendment is designed to exempt from the Commission's regulatory controls the possession, distribution, and use of luminous dial watches and clocks containing specified, small quantities of tritium as the luminescing agent. Tritium is a low energy beta-ray emitter and, in the quantities and forms specified herein, would not present an undue hazard to the user thereof or the public.

The proposed exemption would permit the distribution to, and possession by, unlicensed persons of watches and clocks bearing tritium activated phosphors contained in insoluble paint firmly bound to the watches and clocks. The exemption to be granted to persons, such as watch and clock manufacturers, importers, distributors and retailers, who acquire such timepieces for resale would be limited in that the exemption would apply only insofar as the tritium paint on the timepieces meets the criteria specified in the proposed amendment (§ 30.10(a)).

Paragraph (b) of the proposed exemption is designed to free the consumers and users of the watches and clocks from any obligation to determine whether or not the tritium contained on such timepieces has been applied in a manner consistent with the criteria in paragraph (a) of the proposed amendment.

Under the terms of the proposed amendment, persons engaged in the production of tritium paints or in the application of tritium paints to timepieces would continue to be subject to the Commission's specific licensing requirements. Thus the Commission will continue to regulate the conduct of such activities to assure that the activities are performed in a safe manner.

Notice is hereby given that adoption of the following amendment to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment, should send them to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation, within 60 days after publication of this notice in the FEDERAL REGISTER.

1. Add a new § 30.10 to read as follows:

(a) Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that such person receives, imports, possesses, uses, transfers, exports, owns or acquires timepieces, or luminous hands or dials therefor, bearing tritium in accordance with the following specifications:

(1) The tritium is intimately bound in luminous paint, which paint is insoluble in water or in chemical reagents and solvents likely to be encountered in cleaning of the luminous timepiece;

(2) The rate of loss of tritium through diffusion or other means does not exceed five percent of the total radioactivity per twelve-month period;

(3) Each timepiece contains no more than a total of 25 millicuries of tritium;

(4) Luminous hands, as replacement parts for timepieces, contain not more than 5 millicuries of tritium per hand; and

(5) Luminous dials (bezels, when used, shall be considered as part of the dial), as replacement parts for timepieces, contain not more than 15 millicuries of tritium per dial.

Any person importing such timepieces, luminous hands, or luminous dials, under the exemption of this paragraph (a) for distribution shall file an annual report with the Director, Division of Licensing and Regulation, U.S. Atomic Energy Commission, Washington 25, D.C., setting forth the number of watches and luminous replacement parts imported during the reporting period. Each such report shall cover the twelve months ending June 30 and shall be filed within thirty days thereafter.

(b) Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30 of this chapter to the extent that such person receives, imports, possesses, or uses, for purposes other than sale or resale, timepieces containing tritium, without regard to whether such timepieces conform to specifications in paragraph (a) of this section.

(c) The exemptions in this § 30.10 shall not be deemed (1) to apply to any byproduct material other than tritium, contained in timepieces, or hands or dials therefor; or (2) to exempt the manufacture of tritium paint for, or the application of tritium paint to, timepieces or hands and dials for timepieces from the licensing requirements of this part.

RADIATION SAFETY SUMMARY OF TRITIUM-ACTIVATED DIALS IN LUMINOUS TIMEPIECES

1. A study of the radiation from 25 millicuries of tritium (H-3) indicates that this amount of H-3 would be safe for use in exempt luminescent timepieces under the conditions of § 30.10 of the proposed Part 30 amendment. Moreover, the use of tritium should be encouraged in preference to other radioactive materials of greater hazard, such as radium.

2. The tritium-activated phosphors to be considered in this exemption are contained in an insoluble paint that is firmly bound to the face of the timepiece, as specified in the conditions of § 30.10. An important advantage to the use of tritium is that tritium is an isotope of the chemical element hydrogen and it can thus be incorporated into the molecular structure of plastic materials in which it is contained, such as lucite or plexiglass. In this form, the tritium cannot detach itself from the insoluble and non-volatile plastic matrix unless the plastic is destroyed by fire or other violent chemical reaction. These chemical advantages are in addition to the advantage of the very low penetrating ability of the radiation from tritium, as discussed below.

3. The external radiation from 25 millicuries of tritium while bound to the watch dial is negligible, since the maximum range of tritium beta particles in air is less than one-half inch and the betas have insufficient energy to penetrate either a watch crystal or the insensitive layer of skin. Conditions of the proposed exemption, § 30.10, assure that the tritium would not be removed easily from the watch dial even when handled by a repairman. Thus, under normal conditions of use, either with the watch crystal removed or in place, the radiation hazard would be negligible.

4. The negligible radiation from tritium-dial timepieces may be compared with the radiation emitted from radium-dial watches presently in use. Radium watches have been found¹ to contain up to 2.2 microcuries of radium, averaging about one-fifth² to one-fourth of a microcurie. A 2.2 microcurie watch was found³ to read 8 milliroentgens per hour at the back. The average watch would give doses about .1 as great as the 2.2 μ c watch. Thus a watch containing 0.22 μ c of radium worn 16 hours per day, would give a dose of about 90 millirem per week to the wrist, or about 4.5 rem per year. This dose is received only in a small part of the forearm near the watch, but it may be compared to the maximum permissible limit of 75 rem per year to hands and forearms recommended⁴ for radiation workers. The British Medical Research Council estimated⁵ that luminous watches and clocks containing an average of one-fifth microcuries of radium increased the population dose to the gonads by 1 percent of the natural background. Dr. Haybittle notes that if watches containing the larger amounts of radium should become more popular with the public, then luminous watches would be second only to diagnostic radiology in the dose contributed to the gonads. Thus, under some conditions of use the exposures from radium-dial watches might produce genetically significant exposures, whereas the radiation from tritium-dial watches would be essentially zero.

5. The hazard is also negligible to the repairman handling timepieces containing up to 25 millicuries of tritium bound to the dial in insoluble form under the conditions of this amendment. As mentioned above, there is no significant radiation hazard when the tritium is bound to the watch. When taken into the body, the mode of intake giving the highest radiation dose is that of breathing tritium in insoluble form into the lung. To obtain an internal lung dose of 12 rem in one year, considered by the NCRP within safe limits for radiation workers, at least 2 millicuries of tritium in insoluble form would have to be breathed into the lung. Even this much exposure is extremely unlikely under normal handling conditions.

6. Under accidental conditions, even if the entire 25 millicuries of tritium were somehow breathed into the lung (an extremely improbable event under the conditions of this amendment, even if a watchmaker tried to remove the tritium and breathe it in), the resulting lung dose of 150 rem in a period of several weeks would not be likely to produce observable injury. If the 25 millicuries of tritium were somehow solu-

bilized by accident or fire, an intake of 15 millicuries would be required to give a whole body dose of 3 rem in 13 weeks, which is allowed for radiation workers according to 10 CFR 20 and is considered safe by the NCRP. Even this small order of accident is extremely unlikely.

7. For comparison, the inhalation of 6 microcuries of radium—which gives a luminescence equivalent to that from 25 millicuries of tritium—although extremely unlikely, could give a dose of 1500 rem to the lung within several years, which far exceeds the dose limits of 10 CFR Part 20. Moreover, it is possible that some of this radium could be solubilized in the body and deposit more than the 0.1 microcurie maximum permissible burden recommended for continuous occupational exposure in the NCRP Handbook 69, June 5, 1959. Since radium remains in bone for a long time, the amount of 0.1 microcurie of radium deposited initially could be considered almost as hazardous as a continuous intake that would fix the body burden at 0.1 microcurie throughout life. Although the probability of taking in radium, as well as tritium, from a watch dial is small, it is seen that doses possible from equivalent fractional intakes of radium are much greater than those from tritium.

8. It is estimated that the present rate of sale of luminous dial watches averages about 2 million per year in the United States. Even if each of these watches contained the proposed maximum exempt quantity of 25 millicuries, and if all of the tritium dials were somehow dispersed to the environment yearly, the addition of tritium to the environment would be only 50,000 curies per year. This may be compared to a natural tritium production by cosmic rays of 2.5 million curies per year.⁴ The dose rate to the body from naturally-produced tritium is less than one hundred-thousandth of the dose rate of about 150 millirad per year from all natural background sources. Thus, the maximum possible addition to environmental exposure from the proposed use of up to 25 millicuries of tritium per luminous timepiece would be less than two ten-millionths of the natural background rate of exposure—an entirely negligible amount by any reasonable standards of safety.

9. Conclusions: The possible radiation exposures from tritium-dial timepieces are negligible compared to those from luminous timepieces presently in use, although exposures from present luminous timepieces are relatively low. Thus, the use of tritium-dial timepieces would be safe and, moreover, would be expected to result in a reduction of radiation exposure to the population.

NOTE: Copies of a more detailed study on this subject have been placed on file for reference at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 14th day of June 1960.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 60-5729; Filed, June 30, 1960; 12:45 a.m.]

⁴S. Kaufman and W. F. Libby, *Phys. Rev.* 93, 1337 (1954); H. Von Buttlar and W. F. Libby, *J. Inorg. and Nuc. Chem.* 1, 75 (1955).

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-28]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of a Federal Airway, Associated Control Areas, Reporting Points and Modification of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.105, 601.105, 601.1025 and 601.4105 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 5 and its associated control areas presently extends in part from New Orleans, La., to Milwaukee, Wis. The Federal Aviation Agency has under consideration the revocation of this segment of Amber 5. The Federal Aviation Agency IFR peak-day airway traffic survey for the period January 1, 1959, through December 31, 1959, shows a maximum of 2 aircraft movements between any two reporting points between New Orleans and Milwaukee. On the basis of the survey, it appears that the retention of this airway segment and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. Concurrently with the action to revoke this segment of Amber 5, the associated designated reporting points would also be revoked. In addition, it is proposed to redescribe the New Orleans control area extension by excluding reference to low frequency airways in the description of the control area extension because of the diminishing requirement for and gradual phasing out of L/MF airways. Redesignation of the New Orleans control area extension as proposed herein would simplify the description. The redescribed control area extension would encompass essentially the same area with the exception of the northern portion in the vicinity of McComb, Miss., which would be revoked since it appears that this portion is not required for the protection of aircraft.

If these actions are taken, the segment of Amber Federal airway No. 5 and associated control areas from New Orleans, La., to Milwaukee, Wis., would be revoked. In addition, the following associated radio range station reporting points would be revoked; Jackson, Miss., Greenwood, Miss., Advance, Mo., Springfield, Ill., Joliet, Ill., also the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range would be revoked as a designated reporting point. The New Orleans control area extension would be redesignated as the area northeast of New Orleans bounded by a line beginning at the eastern boundary of VOR Federal airway No. 9 at latitude 31°00'00" N., thence east along latitude 31°00'00" N., to longitude 89°00'00" W.,

¹J. L. Haybittle, "Radiation Hazard from Luminous Watches", *Nature*, Vol. 181, No. 4620, May 17, 1958.

²"The Hazards to Man of Nuclear and Allied Radiations", British Medical Research Council, 1956 (Her Majesty's Stationery Office, London, England).

³"Maximum Permissible Radiation Exposures to Man", statement of the Nat'l Committee on Rad. Protection & Measurements, April 15, 1958.

PROPOSED RULE MAKING

thence north along longitude 89°00'00" W., to latitude 31°15'00" N., thence east along latitude 31°15'00" N., to longitude 88°00'00" W., thence south along longitude 88°00'00" W., to the northern boundary of VOR Federal airway No. 20, thence southwest along the northern boundary of Victor 20 to the eastern boundary of Victor 9, thence north along the eastern boundary of Victor 9 to the point of beginning, excluding the area between Victor 20 and Victor 20 north alternate bounded on the southwest by the northern shoreline of Lake Ponchartrain and on the east by longitude 89°18'30" W.; that area within the United States southeast, south and southwest of New Orleans bounded by a line beginning at a point on the southern edge of VOR Federal airway No. 20 at longitude 91°05'00" W., and extending eastward along this airway to the southern edge of VOR Federal airway No. 22; thence eastward along Victor 22 to 3 nautical miles east of the shoreline at longitude 89°07'00" W.; thence clockwise along a line 3 nautical miles off-shore to longitude 90°15'00" W.; thence north to latitude 29°15'00" N., longitude 90°15'00" W.; thence west to latitude 29°15'00" N., longitude 91°05'00" W.; thence north to the point of beginning; and that area northwest of New Orleans within a 35-mile radius of the New Orleans VOR extending clockwise from the northern boundary of Victor 20 to the western boundary of Victor 9.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for exami-

nation at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on June 28, 1960.

GEORGE S. CASSADY,
Acting Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-6119; Filed, July 1, 1960;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 17]

[Docket No. 13384]

CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUC- TURES

Consideration Regarding Possible Hazard to Air Navigation

1. The Commission has before it for consideration a request of the Storer Broadcasting Company to extend the time for reply comments in the above-entitled proceeding to July 19, 1960.

2. The Storer Broadcasting Company requests this extension so that it may further study the affirmative comments of various aviation interests and the Federal Aviation Agency who have injected into this proceeding a new issue challenging the basic jurisdiction of the Federal Communications Commission with respect to broadcast towers.

3. It is further stated that study of this new issue will require careful and rather extensive legal research if reply comments are to be of assistance in resolving the matter.

4. The Commission is of the view that an extension of time for the filing of reply comments in the above-entitled proceeding would serve the public interest, convenience and necessity and is warranted.

5. In view of the foregoing: *It is ordered*, That the date for filing reply comments in the above-entitled matter is extended to July 19, 1960.

Adopted: June 28, 1960.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6154; Filed, July 1, 1960;
8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[1960 Dept. Circular 1046]

2 PERCENT TREASURY BONDS— R.E.A. SERIES

Offering of Bonds

JUNE 27, 1960.

I. Offering of bonds. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, gives notice of an issue of bonds of the United States, designated 2 percent Treasury Bonds—R.E.A. Series. These bonds may be subscribed for, at par, effective July 1, 1960, by borrowers from the Rural Electrification Administration, U.S. Department of Agriculture. The bonds will be sold to such borrowers with the specific approval of the Rural Electrification Administration for each transaction. Subscriptions for the bonds shall be submitted to the Secretary of the Treasury through the Rural Electrification Administration.

II. Description of bonds. 1. The bonds will bear interest at the rate of 2 percent per annum, payable on a semiannual basis on January 1 and July 1 in each year until the principal amount becomes payable, and will be issued in amounts in multiples of \$1,000. Each bond will be issued as of, and will bear interest from, the date payment therefor is received, and will mature twelve years from such date, but may be redeemed at the option of the United States or the Rural Electrification Administration borrowers, in whole or in part, at par, and accrued interest, at any time, upon not less than 30 nor more than 60 days' notice in writing given by either party to the other. From the date of redemption designated in any such notice, interest on the bond or bonds or any part thereof to be redeemed shall cease, and the unredeemed portion, if any, shall be reissued bearing the same issue date as the bond surrendered. Any such notice of redemption given by a Rural Electrification Administration borrower shall be addressed to the Secretary of the Treasury.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will not be acceptable to secure deposits of public monies. They will not be entitled to any privilege of conversion. They will not be transferable. Accordingly, they may not be sold, discounted, hypothecated as collateral

for a loan, or pledged as security for the performance of an obligation or for any other purpose. The bonds will be issued in registered form only in the name of the Treasurer of the United States in trust for the Rural Electrification Administration borrowers to which they are allotted. They will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States Bonds, so far as applicable.

III. General provisions. 1. The Secretary of the Treasury may, at any time, or from time to time, prescribe supplemental or amendatory rules and regulations with respect to this issue of bonds, and he may terminate the issue at any time without notice.

[SEAL]

ROBERT B. ANDERSON,
Secretary of the Treasury.

[F.R. Doc. 60-6141; Filed, July 1, 1960;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice No. 10]

ALASKA

Notice of Filing of Alaska Protraction Diagrams, Fairbanks Land District

JUNE 27, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice in the FEDERAL REGISTER, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS (UNSURVEYED)

SEWARD MERIDIAN—FOLIO NO. 19

Approved: May 25, 1960

Sheet
No.

3. Ts. 1 through 4 S., Rs. 57 through 60 W.
4. Ts. 1 through 4 S., Rs. 61 through 64 W.
5. Ts. 5 through 8 S., Rs. 61 through 64 W.

Cover Sheet Showing Location Map
and Index.

KATEEL RIVER MERIDIAN—FOLIO NO. 7

Approved: May 24, 1960

Sheet
No.

1. Ts. 13 through 16 N., Rs. 1 through 4 W.
2. Ts. 13 through 16 N., Rs. 5 through 8 W.
3. Ts. 13 through 16 N., Rs. 9 through 12 W.
4. Ts. 13 through 16 N., Rs. 13 through 16 W.
5. Ts. 9 through 12 N., Rs. 13 through 16 W.
6. Ts. 9 through 12 N., Rs. 9 through 12 W.
7. Ts. 9 through 12 N., Rs. 5 through 8 W.

8. Ts. 9 through 12 N., Rs. 1 through 4 W.
9. Ts. 5 through 8 N., Rs. 1 through 4 W.
10. Ts. 5 through 8 N., Rs. 5 through 8 W.
11. Ts. 5 through 8 N., Rs. 9 through 12 W.
12. Ts. 5 through 8 N., Rs. 13 through 16 W.
13. Ts. 1 through 4 N., Rs. 13 through 16 W.
14. Ts. 1 through 4 N., Rs. 9 through 12 W.
15. Ts. 1 through 4 N., Rs. 5 through 8 W.
16. Ts. 1 through 4 N., Rs. 1 through 4 W.

Cover Sheet Showing Location Map
and Index.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-6129; Filed, July 1, 1960;
8:47 a.m.]

Office of the Secretary CATAWBA TRIBE AND ITS INDIVIDUAL MEMBERS

Applicability of Certain Public Law

JUNE 27, 1960.

Notice is hereby given that a majority of the adult members of the Catawba Indian Tribe of South Carolina have indicated their agreement to a division of the tribal assets in accordance with the provisions of Public Law 86-322. Accordingly, the provisions of Public Law 86-322 shall apply to the Catawba Indian Tribe of South Carolina as of the date of publication of this notice in the FEDERAL REGISTER.

The membership roll of the Catawba Indian Tribe of South Carolina shall be closed as of midnight on the day this notice is published.

FRED A. SEATON,
Secretary of the Interior.

[F.R. Doc. 60-6126; Filed, July 1, 1960;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 903]

PACIFIC COAST-PUERTO RICO; GEN- ERAL INCREASE IN RATES

Notice of Supplemental Order

On June 10, 1960, the Federal Maritime Board entered the following second supplemental order to the original order, in the proceeding, dated April 19, 1960, appearing in the FEDERAL REGISTER of April 30, 1960 (25 F.R. 3827).

It appearing that the Board has ordered in this proceeding an investigation and hearing of the reasonableness and lawfulness of certain tariff schedules containing increased rates and charges and new rules, regulations and practices

affecting such rates and charges from Pacific Coast ports on the one hand to ports in Puerto Rico on the other; and

It further appearing that the Pacific Coast-Puerto Rican Conference by its Agent, C. R. Nickerson, has filed with the Federal Maritime Board certain revised pages, specified below, to its Tariff No. 1-D, F.M.B.-F. No. 4, setting forth new increased rates and charges and new rules, regulations and practices, affecting such rates and charges applicable from U.S. Pacific Coast ports to ports in Puerto Rico, to become effective June 16, 1960; and

It further appearing that the Isbrandtsen Company, Inc., has filed with the Federal Maritime Board certain revised pages, specified below, to its Pacific Coast to Puerto Rico Tariff No. 2, F.M.B.-F. No. 2, setting forth new increased rates and charges in the same trade specified above, to become effective June 23, 1960; and

It further appearing that upon consideration of said schedules and protests thereto, there is reason to believe that they would, if permitted to become effective, result in rates and charges, rules and regulations, or practices which would be unjust and unreasonable and in violation of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, and good cause appearing therefor;

It is ordered, That the investigation heretofore ordered in this proceeding be expanded to include the reasonableness and lawfulness of the rates, charges, rules and regulations contained in said schedules with a view of making such findings and orders in the premises as the facts and circumstances warrant; and

It is further ordered, That the operation of said pages and/or designated items as specified below, be suspended and that the use thereof be deferred to and including October 13, 1960, unless otherwise authorized by the Board; and

It is further ordered, That the operation of said pages specified in Appendix B attached hereto, be suspended and that the use thereof be deferred to and including October 20, 1960, unless otherwise authorized by the Board; and

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby may be changed until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired unless otherwise authorized by the Board; and

It is further ordered, That there shall be filed immediately with the Board by the Pacific Coast-Puerto Rican Conference, C. R. Nickerson, Agent, a consecutively-numbered supplement to Pacific Coast-Puerto Rican Conference Tariff No. 1-D, F.M.B.-F. No. 4, and a consecutively-numbered supplement by Isbrandtsen Company, Inc., to its U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.-F. No. 2, which shall reproduce the portion of this Order and Appendix wherein the suspended charges and designated items are described, that the rates, charges, rules, regulations and

practices therein stated may not be used until the 14th day of October, 1960, with regard to the Pacific Coast-Puerto Rican Conference, or until the 21st day of October, 1960, with regard to the Isbrandtsen Company, Inc., unless otherwise authorized by the Board; and neither the rates, charges, rules, regulations and practices, hereby deferred nor those which are sought to be altered thereby, may be changed during the period of suspension unless otherwise authorized by the Board; and

It is further ordered, That copies of this order shall be filed with said tariffs in the Office of Regulations of the Federal Maritime Board, that a copy hereof shall be forthwith served upon all protestants and respondents herein; and that a copy of this order be published in the FEDERAL REGISTER.

Dated: June 28, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

Pacific Coast-Puerto Rican Conference Tariff No. 1-D, Agent, C. R. Nickerson, F.M.B.-F. No. 4, as follows:

Item 110 of 5th Revised Page 19.
Item 200 of 8th Revised Page 22.
10th Revised Page 39.
20th Revised Page 40.
16th Revised Page 41.
31st Revised Page 42.
14th Revised Page 43.
13th Revised Page 44.
12th Revised Page 45.
10th Revised Page 46.
10th Revised Page 47.
25th Revised Page 48.
15th Revised Page 49.
19th Revised Page 50.
10th Revised Page 51.
11th Revised Page 52.
35th Revised Page 53.
16th Revised Page 54.
9th Revised Page 55.
11th Revised Page 56.
15th Revised Page 57.
11th Revised Page 58.
9th Revised Page 59.
11th Revised Page 60.

To become effective June 16, 1960.

APPENDIX B

Isbrandtsen Company, Inc., U.S. Pacific West Coast to Puerto Rico Tariff No. 2, F.M.B.-F. No. 2, as follows:

6th Revised Page 37.
18th Revised Page 38.
6th Revised Page 39.
19th Revised Page 40.
8th Revised Page 41.
6th Revised Page 42.
6th Revised Page 43.
7th Revised Page 44.
6th Revised Page 45.
18th Revised Page 46.
6th Revised Page 47.
6th Revised Page 48.
7th Revised Page 49.
7th Revised Page 50.
16th Revised Page 51.
12th Revised Page 52.
8th Revised Page 53.
8th Revised Page 54.
7th Revised Page 55.
6th Revised Page 56.
6th Revised Page 57.
7th Revised Page 58.

To become effective June 23, 1960.

[F.R. Doc. 60-6089; Filed, June 30, 1960; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-94]

NORTH AMERICAN AVIATION, INC.

Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of the proposed action with the Office of the Federal Register on June 9, 1960, the Atomic Energy Commission has issued Construction Permit No. CPRR-54 authorizing North American Aviation, Inc. to construct a 10 watt (thermal) solution-type nuclear reactor at the DeSoto facility of Atomics International Division, North American Aviation, Inc. in Canoga Park, California. Notice of the proposed action was published in the FEDERAL REGISTER June 10, 1960, 25 F.R. 5192.

Dated at Germantown, Md., this 27th day of June 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[F.R. Doc. 60-6113; Filed, July 1, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 1705-11 etc.]

MINIMUM ASSEMBLY AND DISTRIBUTION CHARGE RULES

Investigation

The subject investigation was instituted by Order E-15008 dated March 15, 1960, to determine, inter alia, whether the minimum assembly and distribution charges which have been prescribed by the Board¹ should be rescinded insofar as such charges apply to air freight forwarders, or to air freight forwarders and direct carriers.

By a petition for reconsideration filed on March 28, 1960, American Airlines, Inc. has requested the Board to revoke its order assigning the matters herein for hearing and proceed instead by an order to show cause why all freight forwarders and all direct carriers should not be relieved from the prescribed minimum assembly and distribution charge rules.² Under American's proposal, interested persons would be afforded an opportunity to file objections and answers to the order to show cause and in the absence of objection, the Board would issue an order making final such decision.

American's suggested procedure is founded upon its assumption that the absence of adverse comment to its objection to an earlier proposal of the Board³ to relieve air freight forwarders

¹ Orders E-4606 and E-4954, dated September 14 and December 20, 1950, respectively.

² Delta Air Lines, Inc., Flying Tiger Line, Inc., United Air Lines, Inc., and Trans World Airlines, Inc. have each filed answers in support of American's petition.

³ On September 3, 1958, the Board issued an order to Show Cause (E-12936) why air freight forwarders should not be relieved

only from minimum accessorial charge rules indicates that there is no opposition to the relief of both air freight forwarders and direct carriers from such rules. Therefore, the carrier urges the Board to issue a show cause order to the end that in the absence of objection the minimum accessorial charge rules may be rescinded as to all air carriers without an evidentiary hearing.

American's petition for reconsideration must be denied.

The Board has not proposed to rescind the currently effective minimum assembly and distribution charge rules for both air freight forwarders and direct air carriers. Neither have interested persons been presented with such a proposal under circumstances where their comments would be expected or required. American's objection to such relief for air freight forwarders only and its request for equal treatment for both direct and indirect carriers was not a proposal to relieve both types of carriers from such minimum charges. Moreover, there is no provision in the Board's Rules of Practice (14 CFR Part 302) for the filing of replies to American's objection. No inference, therefore, can be drawn from the absence of such responses. This conclusion is further supported by the fact that the order to show cause to which American objected (Order E-12936) specifically provided that a hearing would be held in the event such objections were filed.

In issuing the Order to Show Cause (E-12936) why air freight forwarders should not be relieved from the minimum accessorial charge rules, the Board stated that the reasons which had justified its decision not to regulate the minimum line haul rates of freight forwarders appeared equally persuasive in tentatively concluding to relieve air freight forwarders from minimum accessorial charge rules. This rationale, of course, does not support a proposal to relieve direct carriers from the minimum accessorial charge rules nor does the Board have before it other evidence to support this proposal.

We conclude that our further procedures in this matter should provide all parties with the opportunity to submit data, views, and arguments, in support of their position in this proceeding. We will, therefore, deny American's Petition for reconsideration.

from the minimum accessorial charge rules which were prescribed in the Investigation of Accumulation, Assembly and Distribution Rules case, 12 CAB 337 (1950). American objected to the proposal urging that, if there is no longer a need for prescribed minimum accessorial charges, both direct and indirect carriers should be relieved from such rules and, in any event, that such requirements should be uniform for direct and indirect carriers. Thereafter, consistent with the show cause order in the event such objections were filed, Order E-15008 provided for hearing upon the issues raised by American's objection.

We also note that there is no provision in the Board's rules of practice for the filing of a petition for reconsideration other than after a final order (14 CFR 302.37). However, we have considered American's petition on its merits as a motion addressed to the discretion of the Board under Rule 18 (14 CFR 302.18).

We do not believe, however, that a lengthy hearing is necessary in the event the parties are not at issue upon the substantive questions involved. By our order we will direct each of the parties to file and to serve upon all other parties in this matter a statement of position together with the data, views, and arguments which they may desire to submit in support thereof. If these responses indicate that no party desires the maintenance of prescribed minimum assembly and distribution charges, it is contemplated that expedited procedures can be adopted at the prehearing conference to incorporate the relevant data into the record herein for early Board action thereon.

Accordingly, pursuant to the Federal Aviation Act of 1958 (72 Stat. 731) and particularly sections 102, 204(a) and 1002, thereof:

It is ordered, That: 1. The Petition for Reconsideration filed by American Airlines, Inc. on March 28, 1960, is hereby denied.

2. The parties to this investigation, named in Order E-15008, dated March 15, 1960, shall file with the Docket Section of the Board and shall serve upon each other party a statement of position and the data, views, and arguments which they may desire to submit in support of their position. This exchange of material must be made on or before July 29, 1960.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL]

ROBERT C. LESTER,
Secretary.

[F.R. Doc 60-6146; Filed, July 1, 1960;
8:49 a.m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Adm. Order 682]

CERTAIN OFFICERS

Authority and Order of Precedence To Act as Deputy Governor and Director of Land Bank Service

JUNE 27, 1960.

1. Don H. Bushnell, Deputy Director of Land Bank Service (Chief of Appraisals), is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director is unavailable to act by reason of his absence or for any other cause.

2. R. E. Nowlan, Deputy Director of Land Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director and Deputy Director (Chief of Appraisals) Bushnell are unavailable to act by reason of absence or for any other cause.

3. Paul Tomasello, Chief of FLBA Operations, is hereby authorized to exercise and perform all functions, powers, au-

thority, and duties pertaining to the office of Deputy Governor and Director of Land Bank Service in the event that the Deputy Governor and Director, Deputy Director (Chief of Appraisals) Bushnell, and Deputy Director Nowlan are unavailable to act by reason of absence or for any other cause.

4. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 677 (24 F.R. 287).

R. B. TOOTELL,
Governor,

Farm Credit Administration.

[F.R. Doc. 60-6116; Filed, July 1, 1960;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13615; FCC 60-738]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 13615; regulations and charges for a connecting arrangement to permit the connection of two two-point duplex teletypewriter services with a customer provided aircraft tracking system.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960;

The Commission having under consideration certain tariff schedules, designated A. T. & T. Tariff F.C.C. No. 208, 12th Revised page 20E, filed June 14, 1960 by the American Telephone and Telegraph Company under its transmittal number 6330 establishing new regulations and charges applicable to a connecting arrangement to permit the connection of two two-point 60 or 75 speed duplex teletypewriter services with a customer provided aircraft tracking system known as Iconorama, such tariff schedules to become effective on June 15, 1960, on one day's notice under authority of Special Permission No. 3779 of the Commission;

It appearing that A. T. & T.'s application for the special tariff permission referred to above represented that the only customer for the service had requested service as of June 15, 1960; that on the basis of such representation the Commission granted such special permission so as not to deprive the customer of service during the statutory period for filing tariffs; and that the Commission's grant specified that it was not to be construed as approval of the proposed rates;

It further appearing that the Commission is unable to determine that the regulations and charges contained in the new tariff schedules are or will be just and reasonable or otherwise lawful under the provisions of section 201(b) or section 202(a) of the Communications Act of 1934, as amended;

It is ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of

1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned new tariff schedules, including amendments thereto and successive issues thereof;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether any of the classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons, or locality or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

3. Whether the Commission should prescribe just and reasonable classifications, regulations, and practices to be followed with respect to the services governed by the tariff schedules listed above and, if so, what classifications, regulations, and practices should be prescribed;

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified; and that the examiner to be designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision;

It is further ordered, That American Telephone and Telegraph Company and all carriers concurring in the above-mentioned tariff schedules are hereby made parties respondent in the proceedings.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6147; Filed, July 1, 1960;
8:49 a.m.]

[Docket No. 13288; FCC 60M-1090]

EVANSTON CAB CO.

Order Scheduling Prehearing Conference

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the taxicab radio service in Chicago, Ill.

Pursuant to agreement at the prehearing conference held in this proceeding on June 23, 1960: *It is ordered*, This 24th day of June 1960, that a further prehearing conference will be held on July

12, 1960, at 2:00 p.m., in the offices of the Commission, Washington, D.C.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6148; Filed, July 1, 1960;
8:50 a.m.]

[Docket No. 13598 etc.; FCC 60-721]

GILA BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gila Broadcasting Company, File Nos. BR-2128, Docket No. 13598, BR-2441, Docket No. 13617, BR-970, Docket No. 13618, BR-2731, Docket No. 13619, BR-973, Docket No. 13620, BRH-851, Docket No. 13621; for renewal of licenses of stations KCKY, Coolidge, KCLF, Clifton, KGLU, Safford, KVNC, Winslow, KZOW, Globe, and KWJB-FM Globe, all in Arizona.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of June 1960:

The Commission having under consideration (1) the above-entitled applications; (2) the Commission's letter of March 9, 1960, sent to the above-named applicant pursuant to section 309(b) of the Communications Act of 1934, as amended; and (3) the reply thereto filed by the applicant on April 7, 1960; and

It appearing that in its letter to the applicant of March 9, 1960, the Commission notified the applicant of the grounds and reasons for its inability to grant its applications; that the Commission was unable to find that a grant of the above-entitled applications would serve the public interest; that, accordingly, it appeared that said applications must be designated for hearing; that the applicant was being afforded the opportunity to reply; and that, in said reply, the applicant set forth the facts and reasons why it believed that said applications should be granted; and

It further appearing that upon due consideration of the above applications, letter and reply the Commission is unable to find that a grant of said renewal applications would serve the public interest; that, therefore, a hearing is required; and that no questions exist as to the qualifications of the applicant except as to the matters involved in the issues set forth below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether, in light of the negotiations and understandings between the parties thereto, the management contract executed by the applicant and Radio Associates, Inc., and filed on

March 26, 1952, was inconsistent with the provisions of section 310(b) of the Communications Act of 1934, as amended and the Commission's rules and policies promulgated thereunder.

2. To determine whether, during the period from March 1952 to April 1960, the applicant relinquished control of the above-captioned stations contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

3. To determine whether, during the period from March 1952 to April 1960, Louis F. Long, the principal stockholder of the applicant, acquired and disposed of stock interests in the licensee without obtaining the consent of the Commission, contrary to the provisions of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

4. To determine whether, during the period from March 1952 to April 1960, the applicant failed to file various reports and agreements as required by the provisions of §§ 1.342 and 1.343 of the Commission's rules and regulations.

5. To determine whether, during the period from March 1952 to April 1960, the applications and reports filed by the applicant contained misrepresentations and omissions of material facts.

6. To determine whether, during its past license period, the applicant operated its broadcast stations contrary to the provisions of §§ 1.301, 3.93, 3.111(b), 3.113, 3.274, 3.901 and 3.931 of the Commission's rules and regulations.

7. To determine whether, in light of the conviction of Louis F. Long, President, Director and principal stockholder of the applicant, on December 2, 1959, of violating the federal income tax laws, Title 26, U.S. Code, Sec. 3793(b) (1), said applicant is qualified to be a broadcast licensee.

8. To determine whether, in light of the evidence adduced with respect to the foregoing issues, grants of the above-captioned applications would serve the public interest, convenience or necessity.

Released: June 29, 1960.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6149; Filed, July 1, 1960;
8:50 a.m.]

[Docket No. 13518 etc.; FCC 60-1099]

HUB CITY BROADCASTING CO., INC. (WHSY) ET AL.

Order Scheduling Hearing

In re applications of Hub City Broadcasting Company, Inc. (WHSY), Hattiesburg, Mississippi, Docket No. 13518, File No. BP-12170; Veterans Broadcasting Company, A Partnership Composed of Max H. Jacobs, Douglas B. Hicks, Bailey Swenson, Leon Green and David H. Morris (KNUZ), Houston, Texas, Docket No. 13519, File No. BP-12179;

Price Broadcasting Corporation, Inc., Fairhope, Alabama, Docket No. 13520, File No. BP-12654; Radio New Orleans, Inc. (WJBW), New Orleans, Louisiana, Docket No. 13521, File No. BP-12940; for construction permits.

The Hearing Examiner having under consideration his order released June 15, 1960 (FCC 60M-1035) after the prehearing conference held in the above-entitled proceeding and an unexpected and unavoidable conflict in his hearing calendar which has arisen since which necessitates a change in the date established herein for the commencement of hearing;

It is ordered, On the Hearing Examiner's own motion, This 28th day of June 1960, that the hearing in the above-entitled proceeding shall commence at the Commission's Offices, Washington, D.C., on 10:00 a.m., Thursday, September 1, 1960, instead of July 27th as previously scheduled.

It is ordered further, That the ground rules established at the prehearing conference for the conduct of the hearing and exchange of exhibits shall remain unchanged except to the extent that the parties may, if they so desire, agree among themselves upon changes in dates for the exchange of exhibits provided they advise the Hearing Examiner thereof by appropriate letter and such changes will not adversely affect the orderly and expeditious conduct of the hearing.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6150; Filed, July 1, 1960;
8:50 a.m.]

[Docket No. 13513; FCC 60M-1094]

NATIONAL AMBULANCE & OXYGEN SERVICE, INC.

Order Scheduling Hearing

In the matter of National Ambulance & Oxygen Service, Inc., Rochester, New York, Docket No. 13513; order to show cause why the license for special emergency radio station KED-379 should not be revoked, or, in the alternative, why a cease and desist order should not be issued.

The Hearing Examiner having under consideration the matters discussed on the record during the prehearing conference in the above-entitled proceeding held June 27, 1960, at the Commission's Offices, Washington, D.C.;

It appearing that it is desirable to issue an order formalizing the understandings reached and the Examiner's rulings at the said prehearing conference;

It is ordered, This 28th day of June 1960, that the transcript of the June 27, 1960, prehearing conference is incorporated by reference herein to the extent that it sets forth the ground rules for the conduct of the hearing to be held

and reflects the ruling of the Hearing Examiner on respondent's motion for a bill of particulars and the statements of counsel in compliance therewith;

It is ordered further, That the hearing which was previously postponed without date is hereby rescheduled to commence on Wednesday, July 20, 1960, at Rochester, New York, at a place to be announced by Commission notice.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6151; Filed, July 1, 1960;
8:50 a.m.]

[Docket No. 13096; FCC 60M-1097]

VOICE OF DOWAGIAC ET AL.

Order Scheduling Hearing

In re applications of Erwin C. Pond, Raymond Belcher, John M. Litty, Dale A. Engel, Warren E. Ferris and Claire Flanders, d/b as Voice of Dowagiac, Dowagiac, Michigan, Docket No. 13096, File No. BP-11994; Iowa Great Lakes Broadcasting Company (KICD), Spencer, Iowa, Docket No. 13102, File No. BP-12386; WSBC Broadcasting Company (WSBC), Chicago, Illinois, Docket No. 13114, File No. BP-12503; Cornbelt Broadcasting Corporation (KFOR), Lincoln, Nebraska, Docket No. 13120, File No. BP-12697; WTAX, Incorporated (WTAX), Springfield, Illinois, Docket No. 13130, File No. BP-12819; WJMC, Incorporated (WJMC), Rice Lake, Wisconsin, Docket No. 13131, File No. BP-12831; Bloomington Broadcasting Corporation (WJBC), Bloomington, Illinois, Docket No. 13132, File No. BP-12835; Granite City Broadcasting Company (WJON), St. Cloud, Minnesota, Docket No. 13134, File No. BP-12935; Southern Wisconsin Radio, Inc. (WCLO), Janesville, Wisconsin, Docket No. 13138, File No. BP-13048; Marshall Electric Company (KFJB), Marshalltown, Iowa, Docket No. 13139, File No. BP-13086; Radio Moline, Inc. (WQUA), Moline, Illinois, Docket No. 13144, File No. BP-13151; KODY Broadcasting Co. (KODY), North Platte, Nebraska, Docket No. 13145, File No. BP-13152; Wapello County Broadcasting Company (KBIZ), Ottumwa, Iowa, Docket No. 13146, File No. BP-13154; for construction permits.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order (FCC 60-715; 89668), released June 27, 1960,

It is ordered, This 27th day of June 1960, that further hearing in the above newly designated proceeding shall commence at 10:00 a.m., July 14, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That, among other timely and valid matters which the parties may wish to propose in the hearing, the hearing shall comprehend the questions, (a) of closing the record herein and, (b) the date for filing pro-

posed findings of fact and conclusions of law.

Released: June 28, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-6152; Filed, July 1, 1960;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6949]

BLACK HILLS POWER AND LIGHT CO.

Notice of Application

JUNE 27, 1960.

Take notice that on June 20, 1960, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in that State and the State of Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of up to but not exceeding \$1,200,000 of unsecured Promissory Notes. The unsecured Promissory Notes would be payable to such bank or banks from which Applicant may borrow funds, up to but not exceeding \$1,200,000 face amount at any one time outstanding, for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be, such Notes issued either originally or upon renewal from time to time to have maturity dates not later than July 1, 1961. Said Notes would bear interest at a rate per annum not in excess of one quarter of 1% over the prime rate in effect in either New York City or Minneapolis, Minnesota at the time of the borrowing or renewal. Applicant proposes to use the proceeds from the issuance and sale of said Notes toward financing the completion of its 1960 construction program and maintaining an adequate working cash position.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 19th day of July 1960 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6121; Filed, July 1, 1960;
8:46 a.m.]

[Docket No. E-6944]

CENTRAL HUDSON GAS & ELECTRIC CO.

Order To Show Cause; Correction

JUNE 23, 1960.

In the "Order To Show Cause", issued June 7, 1960, and published in the Fed-

ERAL REGISTER on June 14, 1960 (25 F.R. 5311): Change the Docket No. E-6994 to read Docket No. E-6944.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6122; Filed, July 1, 1960;
8:46 a.m.]

[Docket No. E-6948]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 28, 1960.

Take notice that on June 20, 1960, a joint application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by Northern States Power Company (NSP-MINN), a Minnesota corporation, and Northern States Power Company (NSP-WIS), a Wisconsin corporation, for authority for NSP-WIS to sell and NSP-MINN to acquire all of the properties of NSP-WIS located in the State of Minnesota. NSP-WIS is a wholly owned subsidiary of NSP-MINN. NSP-MINN is a corporation organized under the laws of the State of Minnesota, having its principal business office at Minneapolis, Minnesota, and doing business in the States of Minnesota, North Dakota and South Dakota. NSP-WIS is a corporation organized under the laws of the State of Wisconsin, having its principal business office at Eau Claire, Wisconsin, and doing business in the States of Wisconsin and Minnesota.

NSP-MINN owns and operates utility properties and furnishes electric service at retail in 399 communities and adjacent rural territories and electric energy at wholesale for resale in 25 additional communities and at wholesale to rural electric cooperative associations and other utility companies. Of the 424 communities so served, 383 (including Minneapolis and St. Paul) are located in Minnesota, 18 in North Dakota, and 23 in South Dakota. NSP-MINN also furnishes natural gas at retail in St. Paul and 33 other communities in Minnesota, liquefied petroleum gas at retail in Winona and East Grand Forks, Minnesota and in Grand Forks, North Dakota; manufactured gas at retail in Moorhead, Minnesota and in Fargo, North Dakota; steam heating service in the central business districts of one community in Minnesota and three in North Dakota; telephone service in Minot, North Dakota, and vicinity; and water service in Tracy, Minnesota. NSP-WIS owns and operates utility properties and furnishes electric service at retail in 167 communities and adjacent rural territories in Wisconsin, and in 12 communities and adjacent rural territories in Minnesota, and electric energy at wholesale for resale to 11 additional communities in Wisconsin and one community in Minnesota and to two utility companies. It also furnishes natural gas in Red Wing, Minnesota and two communities in Wisconsin; liquefied petroleum gas at retail

in three communities in Wisconsin; water gas enriched with liquefied petroleum gas in La Crosse, Wisconsin; and hot water or steam for heating purposes to a small number of customers in La Crosse and Hudson, Wisconsin.

NSP-WIS's Minnesota properties are described, as follows: Red Wing Steam Plant located in Red Wing, with a rated capacity of 23,000 kilowatts and a capability of 30,000 kilowatts; approximately 29.6 pole miles of 69 Kv transmission lines, one transmission substation with a transformer capacity of 30,000 Kva, approximately 118 pole miles of urban and 370 pole miles of rural distribution lines, approximately 1.5 trench miles of underground distribution lines, four distribution substations with an aggregate transformer capacity of 22,460 Kva, 2,207 line transformer with an aggregate capacity of 33,272 Kva and 11,252 electric watthour meters; approximately 46.7 miles of distribution gas mains, 3,245 gas meters, and a peak gas shaving plant with two 30,000 gallon storage tanks; and the Minnesota portion of the dam and flowage at St. Croix Falls, Wisconsin-Taylors Falls, Minnesota.

The sale would be made pursuant to the terms and provisions of an Agreement of Sale, dated June 16, 1960, between Applicant and NSP-MINN; the basic purchase price agreed upon by Applicants is \$9,469,322.92, payable on August 31, 1960, the closing date. The provisions of the Agreement of Sale provide, also that NSP-MINN will maintain and operate the Minnesota portion of the dam and flowage on the St. Croix River at St. Croix Falls, Wisconsin-Taylors Falls, Minnesota, for the use and at the direction of the Applicant, upon payment to it by Applicant of a monthly charge as provided in said Agreement of Sale. Upon consummation of the proposed transaction NSP-MINN will undertake all duties and legal obligations with respect to NSP-WIS's Minnesota Properties and their operation.

Applicants state that consummation of the proposed transaction will result in a further simplification of the NSP system, confining all NSP-WIS's operations to the State of Wisconsin and permitting its withdrawal as a foreign corporation in Minnesota, and reducing materially the number of reports which it will be required to prepare and file annually, permitting savings in accounting and operating procedures.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the nineteenth day of July, 1960, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6123; Filed, July 1, 1960;
8:46 a.m.]

[Docket No. CP60-14]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

JUNE 24, 1960.

Take notice that on January 19, 1960, United Gas Pipe Line Company (Applicant), filed an application, as supplemented on February 23, 1960, and March 31, 1960, in Docket No. CP60-14, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate 7.5 miles of 16-inch pipeline lateral from a connection with its Mobile-Pensacola line in a northeasterly direction looping part of its existing 12-inch lateral extending to the Escambia Bay area, all in Escambia County, Florida, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant's main service from the lateral at present is to four direct industrial customers; and that the purpose of the proposed facilities herein is to provide the Escambia Bay industrial area of Applicant's market with additional system capacity to meet increasing industrial demands by the four direct customers.

Total maximum daily and annual volumes estimated to be delivered to each of the four industrial customers and to farm taps of the City of Pensacola and Escambia Gas Service Corporation are:

Customer	Maximum daily delivery estimated 1960 through 1962	Mcf at 14.9 psia; estimated annual deliveries	
		1960	1961 and 1962
American Cyanamid Co.	4,250	451,000	1,150,000
Columbia-National Corp.	1,500	366,000	460,000
Chemstrand Corp.	56,000	14,783,200	18,067,000
Escambia Chemical Corp.	24,000	7,570,000	8,040,000
City of Pensacola and Escambia Gas Service Corp. (farm taps)	9	585	585
Total	85,759	23,170,785	27,717,585

The total incremental deliveries attributable to the proposed facilities are estimated at about 20,000 Mcf on the maximum day and 7,244,351 Mcf during each of the years 1961 and 1962.

The cost of the proposed facilities is estimated at \$455,321 which is to be defrayed out of Applicant's current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 28, 1960, at 9:30 a.m., e.d.s.t. in a Hearing Room of the Federal Power Commission, 441 G

Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-6124; Filed, July 1, 1960;
8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order No. 50]

RESOLUTION APPROVING APPLICATION OF PUERTO RICO INDUSTRIAL DEVELOPMENT CO. AND ORDER AUTHORIZING ISSUANCE OF GRANT FOR FOREIGN-TRADE ZONE AT MAYAGUEZ, PUERTO RICO

Proceedings of the Foreign Trade Zones Board, Washington, D.C.

Resolution and order. Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U.S.C. 81a-81u) the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board having considered the matter: *It is ordered,* Upon examination, the application, as amended by letter of October 23, 1959, of the Puerto Rico Industrial Development Company, San Juan, Puerto Rico, for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mayaguez, Puerto Rico, has been found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. Now, therefore, said application for a grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Puerto Rico Industrial Development Company, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mayaguez, Puerto Rico, in compliance with the application, as amended, on file with the Foreign-Trade Zones Board. It is further ordered, that a copy of this grant be made a part of the official records of this Board. The grant shall be issued subject to settlement locally of the recommendations made by the Dis-

trict Collector of Customs and District Engineer in their respective reports, within a reasonable time after issuance of the grant.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT MAYAGUEZ, PUERTO RICO

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (48 Stat. 998-1003; U.S.C. Title 19 § 81a-81u), hereinafter referred to as "the Act", the Foreign-Trade Zones Board, hereinafter referred to as "the Board", is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States; and,

Whereas, the Puerto Rico Industrial Development Company, a public corporation and an instrumentality of the Commonwealth of Puerto Rico, having its office and principal place of business in the City of San Juan, Puerto Rico, hereinafter referred to as "the Grantee", has made application in due and proper form to the Board for the establishment, operation, and maintenance of a foreign-trade zone, designated on the records of the Board as Zone No. 7 at Mayaguez, Puerto Rico, as shown on the map accompanying said application, marked Exhibit No. 10; and,

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found the proposed plans and location are suitable for the accomplishment of the purposes of a foreign-trade zone under the Act and that the facilities and appurtenances which in said application it is proposed to provide are sufficient;

Now, therefore, the Board, subject to the provisions, conditions, and restrictions of the Act and all of the rules and regulations made thereunder, hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 7, at the specific location mentioned above and more particularly described on the map accompanying said application, marked Exhibit No. 10, said grant being subject to the provisions, conditions, and restrictions of the Act and of all rules and regulations made thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blue prints, accompanying the said application and marked Exhibits Nos. 1 to 13, inclusive, before or after completion of the structures or work involved, unless modification of such maps, plans, specifications, drawings and blue prints, has previously been submitted to and has received the approval of the Board.

The work of construction under this grant shall commence immediately following the date of the grant; said work shall be diligently prosecuted to completion and the work of construction shall be completed and operation of the zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant. The Grantee shall notify the United States District Engineer in whose District the zone is located of the date upon which work will begin and as far in advance thereof as the District Engineer may reasonably specify, and shall notify him promptly in writing of any suspension of construction for a period of more than one week, and of its resumption and completion.

The Grantee shall, to the extent applicable, fully comply with the provisions of the laws for the protection and preservation of the navigable waters of the United States, and shall secure the authorizations and approvals of works in navigable waters of the United States required by such laws. The grant herein made shall not be construed as conveying such approval.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access in, to, and throughout said zone in the performance of their official duties.

This grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States of America be liable therefor.

The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports on the application, within a reasonable time after issuance of the grant.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick H. Mueller, at Washington, D.C., this 27th day of June 1960, pursuant to order of the Board.

FOREIGN-TRADE ZONES
BOARD,

[SEAL] FREDERICK H. MUELLER,
Chairman and Executive Officer.

Attest:

JOSEPH M. MARRONE,
Executive Secretary.

CERTIFICATE BY EXECUTIVE SECRETARY

I, Joseph M. Marrone, Executive Secretary of the Foreign-Trade Zones Board, do hereby certify that the following is a true extract from the records of the proceedings of the Board of that portion of the Minutes (Memorandum) of June 27, 1960 of the Foreign-Trade Zones Board relating to the matter hereinbefore in this grant described:

Upon examination, the application, as amended by letter of October 23, 1959, of the Puerto Rico Industrial Development Company, San Juan, Puerto Rico, for the privilege of establishing, operating, and maintaining a foreign-trade zone at Mayaguez, Puerto Rico, has been

found to be in proper order and in compliance with the Foreign-Trade Zones Act, as amended, and the rules and regulations made thereunder. Now, therefore, said application for a grant is approved; and the Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue in favor of the Puerto Rico Industrial Development Company, a grant permitting the establishment, operation, and maintenance of a foreign-trade zone at Mayaguez, Puerto Rico, in compliance with the application, as amended, on file with the Foreign-Trade Zones Board. It is further ordered, that a copy of this grant be made a part of the official records of this Board. The grant shall be issued subject to settlement locally of the recommendations made by the District Collector of Customs and District Engineer in their respective reports, within a reasonable time after issuance of the grant. Witness my hand and the seal of the Foreign-Trade Zones Board this 27th day of June 1960, at Washington, D.C.

[SEAL] JOSEPH M. MARRONE,
Executive Secretary.

[F.R. Doc. 60-6120; Filed, July 1, 1960;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 28, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36350: *Lime, Alabama to Woodstock, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3974), for interested rail carriers. Rates on lime, pebble, and crude lime, in carloads from Graystone, Keystone, Landmark, Longview, Longview No. 2, North Birmingham, Pelham, Roberta and Scotrock, Ala., to Woodstock, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 131 to Southern Freight Association tariff I.C.C. No. 1345.

FSA No. 36351: *Cheese foods—Missouri to Jersey City, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-7838), for interested rail carriers. Rates on cheese, including cheese food and cheese spreads, in carloads from Carthage, Neosho and Springfield, Mo., to Jersey City, N.J.

Grounds for relief: Truck competition.

Tariff: Supplement 207 to Southwestern Freight Bureau tariff I.C.C. 4187.

FSA No. 36352: *Alcohols—Baton Rouge, La., to Chicago and Lemont, Ill.* Filed by O. W. South, Jr., Agent (SFA No. A3975), for interested rail carriers.

Rates on alcohol and related articles, in tank-car loads, as described in the application from Baton Rouge and North Baton Rouge, La., to Chicago and Lemont, Ill.

Grounds for relief: Barge competition.

Tariff: Supplement 252 to Southern Freight Association tariff I.C.C. 400.

FSA No. 36353: *Lumber—Glendale, Oreg., to Dorris, Calif.* Filed by Pacific Southcoast Freight Bureau, Agent (No. 240), for interested rail carriers. Rates on rough green lumber, carloads from Glendale, Oreg., to Dorris, Calif.

Grounds for relief: Truck competition.

Tariff: Supplement 132 to Pacific Southcoast Freight Bureau tariff I.C.C. 1536.

FSA No. 36354: *Scrap iron or steel—Cincinnati, Ohio to Koppel and Morado, Pa.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2436), for interested rail carriers. Rates on scrap iron or steel (not copper clad), having value for remelting purposes only, in carloads from Cincinnati, Ohio to Koppel and Morado, Pa.

Grounds for relief: Market competition.

Tariff: Supplement 27 to Traffic Executive Association—Eastern Railroads tariff I.C.C. 4807 (Hinsch series).

FSA No. 36355: *Substituted service—C&NW for Buckingham Freight Lines, et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 247), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Cedar Rapids and Sioux City, Iowa, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36356: *Substituted service—CRI&P for Be-Mac Transport Company, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 249), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars (1) between Chicago (Burr Oak), Ill., on the one hand, and Des Moines, Iowa, Wichita, Kans., Tucumcari, N. Mex., and Oklahoma City, Okla., on the other, (2) between Kansas City (Armourdale), Kans., and Wichita, Kans., and (3) between St. Louis, Mo., on the one hand, and Kansas City (Armourdale), Kans., and Oklahoma City, Okla., on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36357: *Substituted service—CRI&P for Knaus Truck Lines, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 250), for interested carriers. Rates on property loaded on highway trailers and transported on railroad flat cars, (1) between Chicago (Burr Oak), Ill., and Des Moines, Iowa, on the one hand, and Topeka, Kans., on the

other, (2) between Denver, Colo., on the one hand, and Des Moines, Iowa, St. Joseph, Mo., and Topeka, Kans., on the other, (3) between Moline, Ill., on the one hand, and Kansas City (Armourdale), Kans., St. Joseph, Mo., and Wichita, Kans., on the other, and (4) between Cedar Rapids, Iowa, and Kansas City (Armourdale), Kans., as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36358: *Sand—Southwest to Jasper, Ind., Berlin, Mass., and Berlin, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-7836), for interested carriers. Rates on sand, in carloads, as described in the application from Guion, Ark., Klondike, Ludwig, Pacific, Mo., Gate, Mill Creek and Roff, Okla., to Jasper, Ind., Berlin, Mass., and Berlin, N.J.

Grounds for relief: Market competition.

Tariff: Supplement 82 to Southwestern Freight Bureau tariff I.C.C. 4319.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6078; Filed, June 30, 1960;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 29, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36359: *Substituted service—CGW for Knaus Truck Lines, Inc., et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 246), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and St. Joseph, Mo.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36360: *Substituted Service—M&STL and Ill. Term. for Watson Bros. Transportation Co. Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 248), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between East St. Louis, Ill., on the one hand, and Des Moines, Iowa, and Minneapolis, Minn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36361: *Substituted service—CRI&P for Watson Bros. Transportation Co. Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 253), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between St. Louis, Mo., and Tucumcari, N. Mex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 135 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 36362: *Plaster and related articles—Southard, Okla. to Official Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-7835), for interested rail carriers. Rates on plaster and related articles, in carloads as described in the application from Southard, Okla., to points in official territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 82 to Southwestern Freight Bureau tariff I.C.C. 4017.

FSA No. 36363: *Joint motor-rail rates between points in Southwestern and WTL Territories and the East.* Filed by Middlewest Motor Freight Bureau, Agent (No. 252), for interested carriers. Rates on general commodities, moving on class and commodity rates, loaded in or on trailers and moving in joint service over highways and railroad flat cars between points in Kansas, Missouri, Oklahoma and Texas, on the lines of the rail carriers, on the one hand, and points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and Wisconsin, on the other.

Grounds for relief, Motor-truck competition.

FSA No. 36364: *Coal—Ky., Va., and W. Va., to South Carolina points.* Filed by Norfolk and Western Railway Company (No. 26-B), for interested rail carriers. Rates on coal, in carloads from mines in Kentucky, Virginia and West Virginia to specified points in South Carolina.

Grounds for relief: Rate relationship with other nearby destinations.

Tariffs: Supplements 5, 10 and 13 to Norfolk and Western Railway Company tariff I.C.C. 3469-B. Supplements 47, 51 and 54 to Norfolk & Western Railway Company (Vgn. series) tariff I.C.C. 2362.

FSA No. 36365: *Joint motor-rail rates—CRI&P and Rock Island Motor Transit Company.* Filed by Middlewest Motor Freight Bureau, agent (No. 251), for interested carriers. Rates on various commodities, moving on class or commodity rates, loaded in highway trailers of the motor line over the highways, thence transported on railroad flat cars of the railroad between points in Arkansas, Illinois and Iowa, on the motor line, and points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas, on the rail carrier.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6137; Filed, July 1, 1960;
8:48 a.m.]

[Notice 340]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its dis-

position. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62809. By order of June 28, 1960, the Transfer Board approved the transfer to Drum Transport, Inc., Fremont, Nebr., of that portion of the operating rights authorized to Liquid Transport Corp., Indianapolis, Ind., in its Certificate No. MC 119226 Sub 4, issued May 5, 1960, authorizing the transportation over irregular routes, of alcohol, grain neutral spirits, and alcoholic liquors, NOIBN, in bulk, in tank vehicles, from Peoria, Ill., to San Francisco and Santa Rosa, Calif., alcohol, in bond, in bulk, in tank vehicles, from Muscatine, Iowa, to Los Angeles and Menlo Park, Calif., and wines and brandies, in bulk, in tank vehicles, from points in California, to Peoria and Chicago, Ill., St. Louis, Mo., Covington and Louisville, Ky., and Indianapolis, Ind., and the substitution of transferee for transferor as applicant in Docket No. MC 108678 Sub 40 and MC 108678 Sub 41TA. George E. Svodoba, 403 First National Bank Building, Fremont, Nebr., for applicants.

No. MC-FC 63319. By order of June 28, 1960, the Transfer Board approved the transfer to J. W. Immel and Clifford E. Hale, a partnership, doing business as Immel and Hale, Borger, Texas, of the operating rights authorized to J. W. Immel and E. L. Fender, a partnership, doing business as Immel and Fender House Moving Company, Borger, Texas, in Certificate No. MC 113782, issued September 1, 1959, authorizing the transportation, over irregular routes, of houses and other buildings, except those prefabricated, between points in Colorado, Kansas, Oklahoma, Texas, and New Mexico within 200 miles of Keyes, Okla., including Keyes. Grady L. Fox, 222 Amarillo Building, Amarillo, Tex., for applicants.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-6138; Filed, July 1, 1960;
8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

3 CFR	Page	14 CFR—Continued	Page	47 CFR	Page
PROCLAMATIONS:		602-----	6180	12-----	6290
3354-----	6233	610-----	6267	PROPOSED RULES:	
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52-----	6234	16 CFR		Announcement	
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6-----	6235	18 CFR		(As of January 1, 1960)	
325-----	6162	PROPOSED RULES:		The following Supplements are now available:	
6 CFR		141-----	6212	Title 7, Parts 400-899, Revised	\$5.50
421-----	6161	21 CFR		Title 14, Parts 40-399	\$0.75
427-----	6235	PROPOSED RULES:		Previously announced: Title 3 (\$0.60); Titles 4-5	
474-----	6161	9-----	6301	(\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52	
7 CFR		19-----	6301	(\$0.45); Parts 53-209 (\$0.40); Parts 210-399,	
51-----	6236	121-----	6302	Revised (\$4.00); Parts 900-959 (\$1.50); Part 960	
728-----	6236	26 (1954) CFR		to End (\$2.50); Title 8 (\$0.40); Title 9 (\$0.35);	
922-----	6259	1-----	6183	Titles 10-13 (\$0.50); Title 14, Parts 1-39 (\$0.65);	
928-----	6162	170-----	6184	Title 15 (\$1.25); Title 16, Revised (\$6.50); Title	
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953-----	6260	240-----	6184	Title 20 (\$1.25); Title 21 (\$1.50); Titles 22-23	
961-----	6261	250-----	6196	(\$0.45); Title 24 (\$0.45); Title 25 (\$0.45); Title	
968-----	6169	251-----	6204	26 (1939), Parts 1-79 (\$0.40); Parts 80-169	
992-----	6261	27 CFR		(\$0.35); Parts 170-182 (\$0.35); Parts 300 to End	
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51-----	6292	5-----	6292	Parts 1 (§ 1.500 to End)-19 (\$2.25); Parts 20-	
932-----	6294	29 CFR		169 (\$1.75); Parts 170-221 (\$2.25); Part 300	
9 CFR		1401-----	6209	to End (\$1.25); Titles 28-29 (\$1.75); Titles	
131-----	6178	33 CFR		30-31 (\$0.50); Title 32, Parts 1-399 (\$2.00);	
10 CFR		202-----	6235	Parts 400-699 (\$2.00); Parts 700-799 (\$1.00);	
PROPOSED RULES:		38 CFR		Parts 800-999, Revised (\$3.75); Parts 1000-	
30-----	6302	13-----	6285	1099, Revised (\$6.50); Part 1100 to End (\$0.60);	
14 CFR		39 CFR		Title 33 (\$1.75); Title 35, Revised (\$3.50); Title	
45-----	6262	168-----	6210	36, Revised (\$3.00); Title 37, Revised (\$3.50);	
47-----	6262	41 CFR		Title 38 (\$1.00); Title 39 (\$1.50); Title 42, Re-	
203-----	6262	9-1-----	6289	vised (\$4.00); Title 43 (\$1.00); Title 46, Parts	
244-----	6263	43 CFR		1-145 (\$1.00); Parts 146-149, Revised (\$6.00);	
507-----	6178	PUBLIC LAND ORDERS:		Part 150 to End (\$0.65); Title 47, Parts 1-29	
514-----	6266	2136-----	6210	(\$1.00); Part 30 to End (\$0.30); Title 49, Parts	
600-----	6266	2137-----	6290	1-70 (\$1.75); Parts 71-90 (\$1.00); Parts 91-164	
601-----	6178-6180, 6266			(\$0.45); Part 165 to End (\$1.00); Title 50 (\$0.70).	


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